UNITED
NATIONS

E

Economic and Social
Council

Distr
GENERAL

E/CN.4/2000/3/Add.1
2 February 2000

ENGLISH
Original: ENGLISH/FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 11 (b) of the provisional agenda

CIVIL AND POLITICAL RIGHTS, INCLUDING QUESTIONS OF: DISAPPEARANCES AND SUMMARY EXECUTIONS

Report of the Special Rapporteur, Ms. Asma Jahanhir, submitted pursuant to Commission resolution 1999/35

Addendum

Summary of cases transmitted to Governments and replies received

GE.00-10465 (E)

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Introduction

1 This addendum to the report of the Special Rapporteur on extrajudicial, summary, or arbitrary executions describes 69 country situations and gives an account of actions undertaken by the Special Rapporteur between 3 November 1998 and 13 December 1999 It also contains in summary form the replies received from Governments to her communications, as well as observations of the Special Rapporteur where considered appropriate

2 Owing to restrictions on the length of documents, the Special Rapporteur has been obliged to reduce considerably details of communications sent and received As a result, requests from Governments to publish their replies in their totality could not be acceded to For the same reason, responses from sources to requests of the Special Rapporteur, although of great importance to her work, are reflected only very briefly in the report

SUMMARY OF CASES TRANSMITTED AND REPLIES RECEIVED

A COUNTRIES

Afghanistan

3 The Special Rapporteur has continued receiving communications concerning trials resulting in death sentences which fall short of the minimum safeguards under international standards The Special Rapporteur has also been informed that over a dozen detainees have been killed while in the custody of or after being arrested by Taliban Officials

4 For an in-depth analysis of the human rights situation in Afghanistan, the Special Rapporteur refers to the reports submitted by the Special Rapporteur on the situation of human rights in Afghanistan to the Commission on Human Rights

Communications sent

5 During the period under review the Special Rapporteur received several allegations of violations of the right to life in Afghanistan The Special Rapporteur transmitted the following allegations to the Taliban Council regarding the murder of Dagarwal Agha Mohammad who was allegedly taken away from his home and later found dead hanging from a tree in Mokur, Ghazni Province, the murder of General Solhman, who was reportedly taken away from his house by Taliban Guards and whose body was found 20 days later by a shepherd in Arghandab, the murder of Mohammad Khab Tudai, staff member of Afghan Aryana Airlines, who was reportedly arrested by Taliban officials in Kabul and whose body was found some days later

Communications received

6 The Special Rapporteur regrets that at the time of the finalization of this report the Taliban Council had not transmitted any reply to her communications

Observations

7 The Special Rapporteur is concerned at continuing reports regarding deaths in custody in Afghanistan. The extensive use of the death penalty in that country is also a cause for deep concern.

Albania

8 During the period under review the Special Rapporteur received one allegation of violations of the right to life in Albania.

Communications sent

9 The Special Rapporteur transmitted an allegation to the Government of Albania regarding the murder of Agron Pasha who was allegedly taken away from hospital by the police and subsequently killed by them in a village outside Fier.

Communications received

10 The Special Rapporteur regrets that at the time of the finalization of this report the Government had not transmitted any reply to her communication.

Algeria

11 The Special Rapporteur notes the complex situation of violence and counter-violence in Algeria, which has further deteriorated with the clampdown on information and investigations. International human rights organizations and foreign media have often been refused entry to the country. Human rights workers and journalists who have been allowed into the country have been subject to surveillance and restrictions. Those who have continued to work in the country have faced death threats and killings. All of these actions have contributed to building a wall of silence around the human rights crisis in Algeria.

12 The Special Rapporteur regrets the lack of information and urges the Government to adopt a policy of transparency so that the international community is in a position to get a clear picture of the human rights violations and can cooperate with the Government to overcome such violations.

Communications received

13 On 25 January 1999, the Government of Algeria replied to the allegations transmitted by the Special Rapporteur. With respect to the communication of 8 October 1998, the Algerian State regretted that its efforts to protect and promote human rights had gone unnoticed. Moreover, the allegations contained in the communication had been contradicted by press agencies which had visited the sites, collected testimony and met with survivors. The latter had unanimously identified the perpetrators of the massacres and at no time indicated any failure to act on the part of the security forces. The Government added that no on-the-spot inquiry or

investigation had been conducted. Furthermore, as soon as the security forces had been informed of the presence of a criminal group in a particular place, they had gone there immediately.

14. The Government said that massacres took place at night in areas of identical geographical features, where the perpetrators lived and knew the inhabitants very well and where the terrorists would plant home-made explosive devices to cover their getaway.

15. The Government reassured the Special Rapporteur that the Algerian judicial system was dealing with those cases and was doing everything possible to identify, prosecute and punish the perpetrators.

16. The Ben Talha case. On the night of 22 September 1997, a terrorist group attacked two outlying districts in Ben Talha, killing 277 people. On 12 November 1997, a judicial inquiry opened and four people were arrested and imprisoned. On 7 December 1997 an additional investigation was instituted into three indicted fugitives and on 1 December 1998 the indictment division referred the case to the criminal court.

17. The Hais Rais/Sidi Moussa case. During the night of 29 August 1997 a terrorist group attacked the farming village of Hais Rais located on the outskirts of the commune of Sidi Moussa, killing 238 people. A judicial inquiry was opened by the Larbâa court and the four perpetrators of the massacre identified. Search warrants were issued by the examining magistrate on 30 May 1998.

18. The Sidi Youcef/Beni Messous case. During the night of 4/5 September 1997, the commune of Sidi Youcef was attacked by terrorists. Fifty people died, most of them from knife wounds, and three young girls were abducted. A judicial inquiry was opened, and on 7 July 1998 an anti-terrorist raid was carried out on the hideout of the eight culprits. The legal proceedings continue.

19. The Ami Moussa case. During the night of 30/31 December 1997, a terrorist group attacked a hamlet in Ami Moussa, killing 272 people. On 31 December 1997, a judicial inquiry was opened and on 8 February 1998 the examining magistrate ordered that further investigations be carried out. The legal proceedings continue.

20. The Algerian Government also pointed out that the debates in the National Assembly and the Council of the Nation were broadcast live on television, allowing citizens to monitor their deputies and the Government. Moreover, Algeria had its own resources for elucidating the murders.

21. The State had set up an emergency programme for the populations affected by such savage acts which included, inter alia, tightened security around the sites of the massacres, the rehousing of families and the provision of counselling services and psychotherapy for the survivors.

Observations

22. The Special Rapporteur recalls that she has indicated her interest in visiting Algeria and hopes that the Government will give positive consideration to this request.

Angola

23. The Special Rapporteur transmitted nine communications to the Government of Angola concerning the violation of the right to life of the following persons.

Communications sent

24. Luis Nguba and Casimiro Dunge allegedly came across government soldiers on their way back to Lico, Cacongo district, after a hunting and fishing expedition. The soldiers reportedly mistook them for supporters of the Frente para a Libertação do Enclave de Cabinda (FLEC), arrested them, beat them, stabbed them with bayonets and then shot them dead.

25. It is alleged that Jorge Bibita Ndembe was deliberately killed by government soldiers reportedly raiding Chimvula village after a clash between government troops and one of the FLEC factions. Jorge Bitiba Ndembe was said to have been shot in the stomach and then stabbed.

26. According to reports, 21 members of the Evangelist Church were killed in the village of Caio-Cuntena on 8 January 1998, allegedly by members of the military. The soldiers reportedly first beat deacon José Adriano Bitiba then shot and killed him, together with 20 members of the congregation.

27. A local government official allegedly threatened António Casimiro on 18 October 1996, when he arrived late to a ceremony in Massabi. Mr. Casimiro was reportedly murdered on 30 October 1996 by four men, three of them in police uniform, who broke into his house and, ignoring his pleas and those of his neighbours, shot him in the stomach.

28. It was reported that Bernardo Kebeki was in the street near his home in Zangoyo when two men came up and spoke to him. A third man then approached and shot him. Reportedly witnesses were able to identify this man as a security official. The official was arrested, but released after about 20 days.

29. It was reported that on 21 December 1997, dozens of people were returning from the market in Cabinda city in an open lorry which operated as a bus. At Tchiobo, an army officer, who was armed with a machine gun, stopped the truck, wanting to hitch a ride. The driver refused and as the truck moved on the officer allegedly opened fire on the passengers, killing seven people and wounding 11 others.

30. A catering worker, António Mavungo, reportedly died after being beaten over the head by a police officer in Cacongo. Mr. Mavungo had allegedly stopped to pick up a water container when the officer hit him on the back of the head with a riflebutt. The officer and a colleague subsequently fled in a stolen car.

31. It has been reported that at least three young men, among them Clementino Cardoso, were allegedly killed in a police operation. Family members of two of the dead reportedly told journalists that they had witnessed the killings. The relatives of Mr. Cardoso said that after his arrest they heard shots and a cry. When running to his assistance, they found his dead body.

32. According to the information received by the Special Rapporteur, Mr. Boaventura was among over 40 UNITA officials and supporters reportedly arrested in mid-1998 and allegedly held without charge or trial in Saurimo district police station until September. It has been reported that Mr. Boaventura died while in police custody.

Communications received

33. The Special Rapporteur regrets that at the time of the finalization of this report the Government had not transmitted any reply to her communications.

Argentina

34. The Special Rapporteur transmitted two urgent appeals to the Government of Argentina concerning the safety of the following persons.

Urgent appeals

35. The Special Rapporteur transmitted an urgent appeal to the Government concerning José Luis Ojeda who was reportedly shot and wounded at his house in Buenos Aires on 6 April. The Special Rapporteur was informed that a police patrol from the 34th police station had reportedly been close to the place where Mr. Ojeda was shot but allegedly did not intervene. Mr. Ojeda had reportedly been subjected to several attacks after having publically denounced an incident three years earlier in which he had been beaten and tortured by the federal police while in detention at the 34th police station.

36. In May the Special Rapporteur transmitted an urgent appeal concerning death threats received by a member of the Asociación Abuelas de Plaza de Mayo and two of the Association's lawyers.

Communications received

37. On 13 July 1999, the Government of Argentina informed the Special Rapporteur that it had informed the Human Rights Federal Council of the death threats allegedly received by Sonia Torres de Parodi, a member of the Asociación Abuelas de Plaza de Mayo, and by María Teresa Sánchez and Elvio Zanotti, lawyers for the Association.

Austria

Communications sent

38. The Special Rapporteur transmitted one allegation to the Government of Austria on behalf of Marcus Omufa, a Nigerian citizen who died in police custody on 1 May 1999.

Mr. Omufa reportedly submitted an asylum request to the Austrian authorities in September 1998. According to information received, his request was denied on 7 December 1998, thereby allowing for his expulsion from Austria to Nigeria. It was reported that on 1 May 1999, three members of the Austrian police accompanied Marcus Omofuma on board a flight from Vienna to Sofia in order to carry out the expulsion order. Mr. Omofuma's hands and feet were allegedly tied and his mouth sealed with adhesive tape. It was reported that the members of the police left Mr. Omofuma tied to his seat and gagged until shortly before the arrival of the airplane at Sofia Airport. A doctor recorded Marcus Omofuma's death at 20.18.

Communications received

39. The Government of Austria acknowledged receipt of the communication concerning Marcus Omofuma indicating that a reply would be forthcoming.

Azerbaijan

Communications sent

40. The Special Rapporteur was informed that on 19 January 1999, Bahram Sadoqov, a displaced person from the Lachin region, died in his cell at the police administration of Sumqavit city, allegedly as a result of severe beatings by the police. Mr. Sadoqov had reportedly been arrested a week before his death together with five other suspects on charges of stealing sheep.

Communications received

41. The Special Rapporteur regrets that at the time of the finalization of this report the Government had not replied to her communication.

Bahamas

Urgent appeals

42. During the period under review, the Special Rapporteur transmitted an urgent appeal to the Government concerning the death sentences of the following persons.

43. On 6 August 1999, the Special Rapporteur transmitted an urgent appeal on behalf of John Higgs and David Mitchel who were facing imminent execution. John Higgs was reported to be convicted in August 1996 and David Mitchel in November 1994. Both were scheduled to be executed despite the fact that the Inter-American Commission on Human Right[illegible]as considering a petition submitted by the two defendants.

Communications received

44. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not replied to her communication.

Observations

45. The Special Rapporteur is concerned at the fact that despite the international trend towards abolition of the death penalty, in the Bahamas the death penalty is mandatory for all persons convicted of murder, and no extenuating circumstances are taken into account. The Special Rapporteur deeply regrets that David Mitchell was hanged as scheduled, despite appeals from a wide variety of sources, including the victim's son. It should be noted that Mr. Mitchell had a petition pending before the Inter-American Commission on Human Rights, alleging that his rights under the American Convention on Human Rights had been violated. The Special Rapporteur also regrets that John Higgs, whose execution was scheduled for the first week of January, succeeded in taking his own life on 4 January 2000 by slitting his wrists. The Special Rapporteur urges the Government of the Bahamas to respect its obligations under international law and to impose an immediate moratorium on executions, with a view to abolishing the death penalty permanently.

Bangladesh

Communications sent

46. The Special Rapporteur was informed that on 14 May 1999, Bedi Begum, an 18-year-old woman, was flogged to death in Batsail allegedly for having premarital sex and inducing an abortion. It has been reported that the cleric who presided over the village council that sentenced Ms. Begum ordered her to be flogged by three men. According to the information received, Bedi Begum induced abortion with herbal medicines.

Communications received

47. The Special Rapporteur regrets that the Government has not replied to her communication.

Bolivia

48. The Special Rapporteur transmitted one urgent appeal to the Government of Bolivia during the period under review.

Urgent appeals

49. The Special Rapporteur transmitted an urgent appeal to the Government after having been informed of death threats received by Waldo Albarracin and his family. The Special Rapporteur had intervened earlier on behalf of Mr. Albarracin, a prominent human rights defender and President of the Asamblea Permanente de Derechos Humanos de Bolivia, (Bolivian Permanent Human Rights Assembly), after he had allegedly been abducted and tortured by police officers in January 1997. It was reported that Mr. Albarracin and his family received death threats on 24 September, the day the police officers charged with torturing him were due to appear at a hearing at the criminal court.

Communications received

50. The Special Rapporteur regrets that the Government has so far not replied to her communication.

Bosnia and Herzegovina

51. The Special Rapporteur transmitted, jointly with the Special Rapporteur on the right to freedom of opinion and expression, an urgent appeal on behalf of the following person on 25 October 1999.

Urgent appeals

52. The Special Rapporteurs were informed on 22 October that Zeljko Kopanja, editor in chief of the Bosnian Serb independent newspaper Nezavisme Novine, lost both his legs and suffered serious injuries to his abdomen in an assassination attempt. According to the information received the assassination attempt was linked to articles Mr. Kopanja had published concerning war crimes committed by Serbs against Muslims. In the articles he had also questioned the authorities' efforts to apprehend suspected war criminals.

Communications received

53. The Special Rapporteur regrets that at the time of the finalization of this report the Government had not replied to her communication.

Botswana

Urgent appeals

54. The Special Rapporteur transmitted one urgent appeal to the Government of Botswana concerning two cases of capital punishment.

55. On 21 January 1999 an urgent appeal was sent to the Government of Botswana concerning Tihabologang Mauwe and Gwara Brown Mtswetla, who were reported to be facing execution after appeals for the commutation of their death sentences had been turned down. The Special Rapporteur received allegations suggesting that the two defendants may have been convicted solely or mainly on the basis of circumstantial evidence.

56. The Special Rapporteur was informed that the first executions in Botswana for many years were carried out in August 1995 when five prisoners were hanged. One prisoner was reportedly executed in 1997.

Communications received

57. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to her communication.

Brazil

58. The Special Rapporteur transmitted four urgent appeals and three allegations of violations of the right to life during the period under consideration.

Urgent appeals

59. On 22 February 1999, the Special Rapporteur addressed an urgent appeal to the Government of Brazil concerning the safety of Macuxi indigenous communities in the Raposa/Serra do Sol area of Roraima state. It was alleged that on 7 February 1999, a group of some 10 farmers entered the indigenous community of Willimon. The men reportedly accused Paolo Jose de Souza, member of the Macuxi community, of having stolen some cattle. One of the farmers allegedly shot twice at Mr. de Souza, wounding him in the chest. The incident reportedly occurred while indigenous leaders where gathered for the annual meeting of the Roraima Indigenous Council. On 10 February 1999, some 40 of the leaders went to Willimon to inquire into the shooting. On their way back, the group was reportedly stopped by armed police and civilians in the town of Uiramuta. While the police were searching their car, a farmhand allegedly stabbed and wounded Egon Heck, a missionary working with the Indigenous Missionary Council. It is further alleged that following the 12 December 1998 decree by the Ministry of Justice authorizing the demarcation of the Raposa/Serra do Sol indigenous area, local authorities incited the non-indigenous population to violence against the Macuxi in protest against the demarcation. It is alleged that the police have on several occasions failed to intervene to prevent such violent acts. In view of these allegations, the Special Rapporteur urged the Government to take all necessary steps to ensure the safety of members of the Macuxi indigenous community.

60. On 12 April the Special Rapporteur transmitted an urgent appeal regarding death threats allegedly received by Roberto Monte and João Marques, human rights defenders working for the Centro de Direites Humanos e Memoria Popular in Rio Grande do Norte state. Both human rights defenders were reported to be witnesses in the official investigations into the murder of human rights lawyer Francisco Gilson Nogeira in 1996.

61. On 30 August 1999, the Special Rapporteur addressed an urgent appeal jointly with the Special Rapporteur on the independence of judges and lawyers to the Government concerning the safety of Valdecir Nicasio Lima, a lawyer working on human rights issues in Acre state. He had allegedly received death threats because of a report he had issued on the criminal activities of a federal congressman from Acre who had reportedly been linked to a death squad operating in the state. It was reported that in the beginning of August 1999, he had spoken about the investigation in an interview on a national TV show. According to the information received, the evening the show was broadcast four armed men went to the house of one his friends and said that they were going to kill Mr. Lima. Furthermore, according to the source, Valdecir Nicasio Lima had been told by the police, that his safety could not be guaranteed in the state.

62. On 16 November the Special Rapporteur transmitted an urgent appeal jointly with the Special Rapporteur on the independence of judges and lawyers to the Government concerning human rights lawyer Joilce Gomes Santana from Natal, state capital of Rio Grande do Norte

According to the information received Mr. Santana, who represented victims in cases of alleged police brutality, had been receiving death threats since March 1999 and that the authorities had provided no security measures.

Communications sent

63. The Special Rapporteur was informed that on 25 January 1990 10 members of the military police allegedly entered the Liberdade neighbourhood in Bahia to look for members of a gang named "Baby on Board", all of them minors. The police reportedly mistook Luis Claudio de Almeida, aged 16, and Jeova da Silva, aged 16, for members of the gang and allegedly tortured them to death. According to the source, the members of the military police allegedly involved in the crime remain unpunished.

64. The Special Rapporteur was informed that Pereira dos Santos, Thiago Passos Ferreira and Paulo Roberto da Silva were allegedly arrested by military police on 17 February 1999. It is reported that their bodies were found in an advanced state of decomposition on 4 March 1999 in an area of wasteland in Praia Grande. On the morning of 17 February, local residents allegedly saw a police vehicle matching the description of the car in which the three were taken away parked next to the patch of wasteland. Two security guards working at a local shopping centre reportedly testified that they had seen police officers getting out of the car with the victims and taking them in the direction of the wasteland. They had allegedly returned alone about an hour later.

65. The Special Rapporteur was informed on 18 February 1999 that José Lisley Hortêncio Viera had allegedly been picked up, together with his brother, Márcio Luiz Hortêncio Vieira, by a passing military police patrol on the night of 30 January. They were apparently taken to waste ground on the outskirts of Fortaleza, where the police took their credit cards, destroyed their identification documents and beat them severely. Afterwards, the police reportedly ordered them to run but José Lisley was too badly injured to move. He was reportedly found the following day in another area of Fortaleza and taken to hospital where he died of his injuries later the same day.

Communications received

66. On 10 May the Special Rapporteur received a communication from the Government of Brazil concerning the cases of lawyers Roberto Monte and João Marques, stating that the Government had transmitted the Special Rapporteur's urgent appeal to the competent authorities for additional information, which would be submitted to the Special rapporteur when available.

67. On 25 November the Government of Brazil transmitted a communication in response to the joint urgent appeal sent with the Special Rapporteur on the independence of judges and lawyers concerning the cases of Valdecir Nicasio Lima and Joilce Gomes Santana, stating that the case had been sent to the competent authorities. On the same date the Government also informed the Special Rapporteur that the competent authorities had been alerted to the cases of Luis Claudio de Almeida, Jeova da Silva, José Lisley Hortênsio Vieira, Pereira dos Santos, Thiago Passos Ferreira and Paulo Roberto da Silva. The Government further stated that it was closely following the developments of the aforementioned cases and would submit to the Special Rapporteur information which could clarify the matter.

68. On 8 and 13 December the Government transmitted to the Special Rapporteur the following information concerning the cases of Egon Heck, missionary working with the Indigenous Missionary Council and Paulo José de Souza,a member of the Macuxi indigenous community. The Attorney-General reported that in the case of the aggression against Mr. de Souza, the Federal Public Prosecution Service had indicted two landowners on 5 July 1999 for attempted murder and witnesses were being heard in the case. The case of Egon Heck was being investigated by the Federal Police Office in Roraima state.

69. On 13 December, the Government of Brazil transmitted to the Special Rapporteur information concerning the cases of Francisco de Assis Araujo, Onalicio Araujo Barros and Valentin Serra. According to the Attorney-General's Office, the murder of Xucuru indigenous leader Francisco de Asis Araujo occurred in the city of Pesqueira, Pernambuco state, on 20 May 1998. The Federal Police in that state immediately initiated investigations with the assistance of officials of the Federal Public Prosecution Service. The Government reiterated to the Special Rapporteur its commitment to clarify the matter and to apply the law and guaranteed due process for those responsible.

Observations

70. During the period under consideration, the Special Rapporteur was informed that at least six persons were extrajudicially killed in Brazil, among them two minors. The Special Rapporteur noted with concern that the killings have been attributed to the police or the army.

Bulgaria

71. The Special Rapporteur transmitted to the Government of Bulgaria four allegations of excessive use of force resulting in the death of the following persons.

Communications sent

72. Tsvetan Kovachev was allegedly shot by police officers while they were attempting to arrest another man who was wanted for murder. Mr. Kovachev was staying in the house where the wanted man was hiding, and when the two men attempted to run away the police, who had surrounded the house, reportedly ordered them to stop and fired warning shots before opening fire on the two men. Tsvetan Kovachev was reportedly shot in the head, above the right temple, from a distance of five or six metres and died in hospital later the same day.

73. The Special Rapporteur was informed that a senior officer of the Ministry of the Interior allegedly shot and killed Lyuben Dimitrov, who had reportedly attempted to drive away in an unmarked police car parked outside a restaurant while the officer was reportedly on official duty. An autopsy reportedly established that the bullet had passed close to the heart and had ruptured a lung.

74. A car driven by Lyuben Mladenov, in which Yusein Kombashev and Nicoleta Alina Vlad, a Romanian national, were also travelling, was stopped at the Romanian border. The border guards reportedly established that Mr. Mladenov was using his wife's passport to take the Romanian woman across the border. Mr. Mladenov then refused to open the boot of the car for

inspection, took back the passports and turned the car around. After reportedly firing warning shots, the border guards shot at the car. The commanding officer then pursued and apprehended the car. When the boot of the car was opened he found Ionel Vlad, a Romanian national, who had been injured in the head by a bullet. He reportedly later died from loss of blood in Dotse Delchev hospital.

75. It was reported that a prison guard shot dead Khristo Tanev while he was attempting to escape. Mr. Tanev, together with two other prisoners, had placed a ladder made from the window frame of their cell against the prison wall. When Mr. Tanev began to climb the ladder, a guard who was in the nearby watchtower reportedly ordered them several times to return to the courtyard. The guard then allegedly fired several warning shots from his assault rifle, hitting Mr. Tanev in the chest.

Communications received

76. The Special Rapporteur regrets that at the time of the finalization of this report the Government had not replied to her communications.

Burkina Faso

Urgent appeals

77. On 15 January the Special Rapporteur sent an urgent appeal to the Government of Burkina Faso concerning death threats received by the human rights organization Mouvement burkinabe des droits de l'homme et des peuples (MBDHP). The Special Rapporteur was informed that the death threats had become more frequent following a meeting of the National Political Bureau of the Congrès pour la démocratie (CDP), at which CDP activists were called upon to mobilize in order to defend that party's victory in the last presidential elections. It was reported that after the meeting, Halidou Ouédragou, President of MBDHP, and Tolé Sagnon, Secretary-General of the Confédération générale du travail, received death threats. It was reported that the President of the Yako branch of MBDHP had to seek refuge in the local police station after having received death threats from the mayor of Réo.

Communications received

78. The Special Rapporteur regrets that at the time of the finalization of this report the Government had not replied to her communications.

Burundi

79. The Special Rapporteur is concerned that the human rights situation in Burundi continues to deteriorate. Many of the human rights abuses are directly associated with the armed conflict in which all parties have carried out serious human rights abuses against the civilian population. During 1999, hundreds of unarmed civilians were killed, allegedly by members of the government armed forces and armed opposition groups. Many of the extrajudicial executions reportedly carried out by government armed forces were in reprisal for military activities by armed opposition groups.

80. During the period under review the Special Rapporteur received an urgent appeal and four allegations of violations of the right to life. She regretted that in most of the alleged cases, members of the military were accused of having committed the crimes.

Urgent appeals

81. The Special Rapporteur sent an urgent appeal to the Government of Burundi in relation to the information received that Léonidas Hatungimana, Djamali Nsabimana, Ismail Hussein, Haruna Hamadi, Bosco Nyandwi, Saidi Nzanzurwimo and Pierre Nkurunziza were given death sentences in February 1998 by the Court of Appeal of Bujumbura. They had been charged in a case regarding a mine explosion in Bujumbura in 1997. They were reportedly tortured to make them confess. Marks of ill-treatment were said to be clearly visible at the trial but this question was never raised in court. Furthermore, Saidi Nzanzurwimo and Pierre Nkurunziza were apparently tried in absentia. It is reported that all sentences were confirmed on 29 March 1999 by the Court of Cassation of the Supreme Court of Bujumbura and that the seven persons mentioned above are currently detained in overcrowded disciplinary cells at the central prison of Mpimba in Bujumbura. In the light of these allegations, fears have been expressed that their lives and physical and mental integrity could be in danger.

Communications sent

82. The Special Rapporteur was informed that on 4 January 1998, Patrice Ngarama, Jacques Nderagakura, Vincent Ndabatamije, Balthazar Ndiwenumuryango and Fabien Nyakamwe were killed by soldiers following a military operation in the Kimina area.

83. It is reported that on 19 April 1998, Claude, an activist of the Front pour la démocratie au Burundi (Front for Democracy in Burundi), was arrested by soldiers and his body found shortly afterwards.

84. The Special Rapporteur was informed that on 26 June 1998, Speciose Butore, Didace Bukoru, Jean Ndabagamye, Karidou Mugabonthera and Anaclet Bambara were arrested and locked up by local government officials, accused of having collaborated with armed groups. It was alleged that they were executed extrajudicially on 1 July 1998.

85. The Special Rapporteur was also informed that on 29 December, Ntakarurtimana and Emmanuel Manirakiza were killed by members of the military in Mugere, Rudiza.

Communications received

86. The Special Rapporteur regrets that at the time of writing the Government had not responded to her communications.

Cameroon

Communications sent

87. The Special Rapporteur drew the Government's attention to allegations that had been made concerning violations of the right to life of the following persons.

88. The Special Rapporteur was informed that, on 6 March 1998, Bobo Aim, Mohamadou Baba and Raphai Ibraim Fofe were executed at the detention centre at Kousséri in Logone Chari.

89. The Special Rapporteur received reports that in May 1998, Sali Mangarkana was arrested by the security forces and executed on the Mindifi road, Kaélé.

90. On 19 June 1998, Bouba Adam, Sadjo Brinde, Maidoki, Amadou Petel, Adaba Wando and Alhadji Souri were also reportedly arrested by the security forces and executed on the Mindifi road, Kaélé.

91. The Special Rapporteur was informed that on 22 June 1998, Abakar, Djibril Kao, Abba Issa Koursa, Moussa Koursa and Bechir Mey were arrested by the security forces and executed in the villages of Zingué and Zingangui.

Communications received

92. The Republic of Cameroon replied to the allegations transmitted by the Special Rapporteur concerning persons who were taken in for questioning in connection with the events of March 1997.

93. In March 1997, 60 people were arrested in Bamenda and other towns in the Nord-Ouest province. These persons were questioned after the theft of weapons and ammunition from the army barracks, the killing of members of the security forces, cases of arson in public service buildings and hostage-taking of public officials. Subsequent to the inquiry, the 60 persons were taken to the central prison of Yaoundé pending further investigation and judgement. Of the 60, 2 died of illnesses while in prison, 13 were released and 45 are awaiting trial following the investigation. The Government of the Republic of Cameroon said that the authorities had ensured that those persons received proper health care and nutrition.

94. The Government affirmed that the case was an ordinary law matter, involving persons suspected of criminal acts, and did not constitute action against a party or political movement.

Chile

95. The Special Rapporteur sent three urgent appeals and one allegation of violation of the right to life during the period under review to the Government of Chile.

Urgent appeals

96. On 14 January the Special Rapporteur sent an urgent appeal regarding death threats received by the members of the non-governmental human rights organization Corporación por los Derechos del Pueblo (CODEPU). In mid-December 1998, graffiti were reportedly written on the walls of CODEPU's headquarters in Santiago, accusing the organization's employees of being communists and traitors. Moreover, on 27 December 1998, members of CODEPU received a threatening message via their electronic mail system. The message, which is said to have been sent by the organization Frente Nacionalista Patria y Libertad, threatened members of CODEPU with liquidation.

97. On 23 August the Special Rapporteur sent an urgent appeal to the Government regarding an incident of abuse of force by the police against members of the Mapuche community of Cumillahue, Tirua, on 16 July 1999. She also informed the Government that José Lincoqueo, a defender of the Mapuche community, had been detained and allegedly threatened in connection with his professional activity.

98. On 29 September the Special Rapporteur was informed that Viviana Diaz, President of the non-governmental organization Agrupación de Familiares de Detenidos Desaparecidos, as well as two Socialist Party senators, Ricardo Nuñez and José Antonio Viera Gallo, along with their families, had been threatened. The Special Rapporteur sent an urgent appeal to the Government of Chile urging it to act in order to prevent further death threats, noting that incidents involving death threats had increased since the arrest of former General Augusto Pinochet.

Communications sent

99. Paula Lagos, 17, was killed in Santa Teresa on 24 October 1998 when police officers opened fire on a demonstration against former General Pinochet taking place close to the park where Paula Lagos was with a friend. She died in hospital on 13 January 1999.

Communications received

100. By letter dated 15 November, the Government of Chile transmitted information on impunity requested by the Special Rapporteur, the Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on the question of torture. In its response the Government stated that under the military regime (1973-1989), the work of the Chilean courts was, with rare exceptions, characterized by ineffectiveness in investigating human rights abuses. The Government further explained that Decree-Law No. 2191 of 19 April 1978 granted extensive amnesty to offenders and accomplices. This law was often given a broad interpretation and as a result, between 11 September 1973 and 10 March 1978, judicial investigations into violations of human rights attributed to State agents, in particular members of the security services, armed forces or forces of order and public security, came to a virtual halt.

101. The Supreme Court played a central role in this broad interpretation of amnesty. Until 1990 the Supreme Court was composed exclusively of judges appointed during the military

regime. Its decisions systematically overturned decisions by lower courts to continue investigations into human rights-related cases. Although seven seats on the Court became vacant after democratic governance was restored in 1990, the new appointments were not sufficient to change the conduct of the Court in this sphere, as judges appointed under the former regime still constituted a majority. The composition of the Court did not change significantly until the constitutional reform introduced by Act No. 19,123 of 1997, which set an age-limit of 75 for Supreme Court judges, increased the number of judges from 17 to 21, and stipulated that five members must be lawyers unconnected with the administration of justice. As a result of this reform, seven judges retired. Ten new members were further appointed in 1998. The Court's new composition has allowed for majority decisions constituting precedents favourable to investigations into human rights abuses.

102. Till 1997, in most cases the Supreme Court held that complaints relating to acts committed in the period covered by the 1978 amnesty were to be dismissed. However, in the period 1998-1999 the Supreme Court handed down numerous decisions to the effect that proceedings could not be dismissed until the investigation had been completed (S.C. 9/9/98, case of the disappeared detainee Pedro Enrique Poblete Córdova; S.C. 26/10/98, case of Carlos Humberto Contreras Maluje; S.C. 29/12/98, case of Alvaro Miguel Barrios Duque; S.C. 6/10/98, case of Marcos Quiñones Lembach; S.C. 7/1/99, case of the disappeared detainees of Parral). Similarly, according to this new case law, human rights violations committed between 11 September 1973 and 11 September 1974, a period which Decree-Law No. 5 had characterized as a "state or time of war", governed by the provisions of the Geneva Conventions of 1949, could not be amnestied or come under the statute of limitations. The courts therefore had to refrain from granting amnesty in any case involving serious violations of the Geneva Conventions (S.C. 9/9/98, case of Pedro Enrique Poblete Córdova; S.C. 6/10/98, case of Marcos Quiñones Lembach). The Supreme Court also ruled that offences of an ongoing nature, such as abduction and unlawful or arbitrary arrest, could not come under the amnesty or the statute of limitations if the fate and whereabouts of the victim of the human rights violation remained unknown (S.C. 9/9/98, case of Pedro Enrique Poblete Córdova; S.C. 26/10/98, case of Carlos Humberto Contreras Maluje; S.C. 6/10/98, case of Marcos Quiñones Lembach; S.C. 7/1/99, case of the disappeared detainees of Parral).

103. The Supreme Court further ruled that the defence of res judicata in criminal proceedings requires that both the unlawful act and the person accused of committing it be identified. Res judicata will not apply, even when the proceedings have been dismissed through the statute of limitations or amnesty (S.C. 29/12/98, case of Alvaro Miguel Barrios Duque). (The significance of this decision is that it allows for the reopening of closed proceedings or the opening of new proceedings in cases of abduction and disappearance or extrajudicial executions, in all of which, with rare exceptions, no initiating order was issued).

104. The Supreme Court has also held that grounds for extinguishment of criminal responsibility, prescription of criminal proceedings and amnesty are personal in nature, in that they may be applied only to specific individuals. Accordingly, courts must refrain from dismissing proceedings in which the criminal responsibility of specific persons has not been established, which means that the investigation of the offence must have been complete (S.C. 26/10/98, case of Carlos Humberto Contreras Maluje).

105. Finally, only in 1999 did the Supreme Court rule on approximately six cases involving jurisdictional disputes between military and ordinary courts, finding in favour of the latter in all six cases (S.C. case of Jorge Muller and Carmen Bueno, S.C. case of José Luis Baeza Cruces, S.C. case of Leopoldo Muñoz Andrade, et al.).

Observations

106. The Special Rapporteur wishes to thank the Government for its cooperation with her mandate and its comprehensive reply to the request for information regarding impunity in Chile under the military regime. However, the Special Rapporteur regrets that she has received no reply to her communication concerning the death of Paula Lagos.

China

107. It has been brought to the attention of the Special Rapporteur that the death penalty continues to be used extensively in China. More people are executed every year in China than in the rest of the countries of the world taken together. Over 60 crimes are punishable by death, including a large number of non-violent offences. Many death sentences are imposed following trial proceedings which do not meet international standards.

108. The Special Rapporteur also received reports regarding the situation in the Xinjiang Uighur Autonomous Region (XUAR) in western China, which is the only region in the country where political prisoners are known to have been executed in recent years. The Special Rapporteur has been informed of 210 death sentences and 190 executions carried out in this province since January 1997. Most of the persons convicted were Uighurs sentenced to death for subversive or terrorist activities in trials alleged to be unfair.

Urgent appeals

109. The Special Rapporteur transmitted seven urgent appeals and two allegations to the Government of China.

110. On 2 December 1998 the Special Rapporteur transmitted an urgent appeal concerning Ma Yulan who was sentenced to death for alleged organization of prostitution in Beijing. It was further reported that this was the first case in Beijing in which a person was sentenced to death for having organized prostitution. The Special Rapporteur pointed out that under internationally accepted standards, the organization of prostitution could not be considered to constitute "a most serious crime" for which the death penalty would apply.

111. On 19 January and 14 June the Special Rapporteur transmitted an urgent appeal concerning a group of young Uighurs who were sentenced to death at the end of October 1998 in Gulja (Yining) by the Ili Prefecture Intermediate People's Court, for having allegedly organized a counter-revolutionary group. Some of the defendants were reportedly arrested in February 1997 and had been held in incommunicado detention since their arrest. The Special Rapporteur was informed that Abdulsalam Shamseden (Abudushalamu Xiamuxiding), a 29-year-old textile worker from Gulja, Abdusalam Abdurahman (Abudushalamu Abudureheman) and an unknown number of other persons were facing imminent execution. It

was reported that Mr. Shamseden was arrested in June 1997 for having taken part in protests in Gulja in February 1997. His appeal against the death sentence was reportedly rejected by the Xuar High People's Court in early January 1999. In her urgent appeals, the Special Rapporteur expressed her concern that these persons had been sentenced to death for activities that do not qualify as "most serious crimes", in proceedings that appeared to have fallen short of international fair trial standards, particularly as regards the defendants' right to legal counsel.

112. On 17 February the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the right to freedom of opinion and expression concerning Hemit Memet, Kasim Maphir and Ilyas Zordum, three Uighur men who had been forcibly returned from Kazakhstan to XUAR on 11 February 1999. They were said to be suspected of involvement in ethnic separatist activities.

113. On 23 February the Special Rapporteur was informed that Abdushukur Nurallah, 33, and Perhat Mollahun, 35, both teachers in Korgas county, were sentenced to death by a court in Korgas (Hou'erguosi) county, near Gulja (Yining) city, in Ili Prefecture, XUAR. The two men were reportedly among 12 Uighurs convicted of subversion and bomb-making. It was alleged that their trials did not conform to international fair trial standards and that they had been tortured in order to extract confessions. The Special Rapporteur urged the Government to investigate these allegations and to exercise its authority in order to have these cases reviewed in fair and open hearings.

114. On 17 August a joint urgent appeal with the Special Rapporteur on the question on torture was sent concerning the case of Zulikar Memet who was reportedly sentenced to death by the Ili Prefecture Intermediate People's Court, XUAR. It was reported that he had told the court that his confession had been extracted under torture and allegedly showed the court injuries supporting this claim.

115. On 30 September the Special Rapporteur sent an urgent appeal concerning prisoners whose sentences were expected be announced by the Guangdong Provincial High People's Court. It had been reported that 57 public rallies would be held in the province before the fiftieth anniversary of the founding of the People's Republic of China on 1 October 1999. The Guangdong Provincial High People's Court was reportedly about to announce the final decisions on the fate of 238 prisoners who had been sentenced to death. According to reports, it is not known whether the prisoners involved had the possibility to appeal their sentences.

Communications sent

116. The Special Rapporteur transmitted two communications of violations of the right to life to the Government of China on behalf of the following persons.

117. According to reports, on 26 August 1999, during the national minority games, Tashi Tsering, a building contractor from Lhokha Prefecture, lowered the Chinese flag in the centre of Potala Square in Lhasa. As he attempted to raise the banned Tibetan flag, he was allegedly arrested by members of the People's Armed Police, who reportedly beat him severely.

It has been reported that by the time he was dragged into a police van by security personnel, he was unable to walk. He was reportedly taken to a police hospital in Lhasa where he remained until his death in the first week of October.

118. Jinhua Zhao was reportedly arrested by police in Zhaoyuan city on 27 September 1999 and allegedly died in the morning of 7 October, after having suffered repeated beatings. On 8 October, the legal medical expert of Zhaoyuan city reportedly carried out an autopsy on Jinhua Zhao. The same day, the legal medical expert of Yantan city also examined the body and reportedly concluded that she had died as a result of beatings with elastic objects on numerous places on her body.

Communications received

119. By letter dated 24 February the Government referred to the communication transmitted by the Special Rapporteur on 2 December 1998, stating that it had conducted inquiries concerning the following persons.

120. According to the information submitted by the Government between August 1996 and September 1997, Ma Yulan controlled some 10 prostitutes and repeatedly engaged in prostitution at the restaurant and baths she managed. The court determined that she had repeatedly disturbed public order by organizing prostitution for profit. Ma Yulan had been sentenced to death as her conduct was in violation of the Penal Code. The Government further stated that Ma Yulan had appealed her sentence to the Beijing Municipal Higher People's Court, where the case was under consideration at the time of the communication.

Observations

121. The Special Rapporteur is deeply concerned by information received during the period under review describing a pattern of gross violations of human rights, including extrajudicial, summary or arbitrary executions in the Xinjiang Uighur Autonomous Region. According to reports received, the main victims of these violations are members of the Uighur community, the largest ethnic group among the predominantly Muslim local population in the region. The Special Rapporteur also wishes to express her deep concern over the extensive and increasing use of the death penalty in China.

Colombia

122. During the period under review, the Special Rapporteur has continued to receive a large number of allegations of violations of the right to life in Colombia. Although the majority of these allegations relate to acts of extreme violence committed by paramilitary groups, the allegations received also include violations of the right to life attributed to State security forces.

123. The Special Rapporteur is grateful to the Government of Colombia for its cooperation and prompt response to her communications. However, she regrets to note that the situation in Colombia has not changed significantly since the previous report. Threats against human rights defenders, especially trade unionists and student leaders, became more overt and systematic during the period under review.

Urgent appeals

124. During the period under review, the Special Rapporteur sent a number of urgent appeals to the Government of Colombia. Some of these appeals relate both to people who lost their lives and to situations in which the Special Rapporteur requested that the Government take action to avoid future violations of the right to life.

(a) Actions carried out by paramilitary groups

125. **Human rights activists.** On 28 January the Special Rapporteur sent an urgent appeal to the Government regarding Carlos Ulloa and Stella Guerra, two human rights workers with the Comisión de Justicia y Paz of Trujillo who had received death threats allegedly from a person linked to paramilitary groups in the area. On 29 January, the Special Rapporteur sent an urgent appeal to the Government regarding an attack by a group of armed civilians directed against the Instituto Popular de Capacitación, a human rights non-governmental organization. On 31 January, Everardo de Jesús Puerta and Julio Ernesto Gonzales, members of the Comité de Solidaridad con los Prisioneros Políticos, were reportedly killed by members of a paramilitary group. The Special Rapporteur sent an urgent appeal requesting the Government to afford protection to other members of the committee. The Special Rapporteur expressed her concern for the safety of community leaders forcibly abducted on 10 April, allegedly by the peasant self-defence force Autodefensas Campesinas de Córdoba y Urabá, from the Peace Communities of Villahermosa and Clavellino, Chocó department, and from San José de Apartado, Antioquia. The paramilitary group had reportedly started a campaign against Peace Communities and against human rights activists working with them. On 11 October the Special Rapporteur sent an urgent appeal to the Government of Colombia regarding death threats received by members of the Asociación de Familiares de Detenidos y Desaparecidos of Barrancabermeja.

126. **University leaders and teachers.** On 5 March the Special Rapporteur sent an urgent appeal to the Government after Luis Peroza and Numael Vercel, two teachers in San Diego, Cesar, had been found dead. The Special Rapporteur urged the Government to take the necessary measures to prevent the systematic targeting of teachers in the region. On 30 August the paramilitary group Autodefensas Unidas de Colombia sent several letters to some student organizations in which it threatened Ruben Tobon, Javier Cañaveras, Rene Jaramillo, Jairo Torres and Manuel Cardona. The Special Rapporteur sent an urgent appeal to the Government recalling that Gustavo Alonso Marulanda had been killed one month earlier after having received similar threats from by the same paramilitary group.

127. **Trade unionists.** On 24 February the Special Rapporteur drew the attention of the Government to death threats reportedly received by Emilio Calvo, leader of the trade union SINTRAMUNICIPIO in Cartago. The Special Rapporteur reminded the Government that a week earlier, Gilverto Tovar Escudero, also a leader of SINTRAMUNICIPIO, had been killed allegedly by members of a paramilitary group. On 5 March and 15 July the Special Rapporteur sent urgent appeals regarding the safety of members of the Federación Nacional de Cooperativas Agrarias (FENACOA) after being informed of the murder of its President, Julio Poveda. On 15 July the Special Rapporteur sent an urgent appeal expressing her concern for the safety of the Director of FENACOA, Efrain Pardo Moreno, and the wife and daughters of the murdered President of FENACOA who had reportedly received death threats. On 27 April the Special

Rapporteur drew the urgent attention of the Government to the death threats received by Jairo Cordona, former President of the trade union SINTRAGOMUNICIPIO-Cartago, who had reportedly published a list of people alleged to have links to paramilitary groups. The list included persons believed to be responsible for the murder of trade unionists in the region. The Special Rapporteur sent another urgent appeal after she was informed of an attack against Jesús González Luna, Director of the Human Rights Department of the trade union Confederación Unitaria de Trabajadores (CUT). On 26 August the Special Rapporteur sent an urgent appeal on behalf of several trade unions and student organizations of the Universidad del Atlántico and the Universidad de Antioquia that had received several threatening letters, allegedly from the paramilitary group Autodefensas Unidas de Colombia.

128. **Peasants.** On 30 April an urgent appeal was sent regarding the heavy presence of paramilitary groups around the municipalities of Simití and San Pablo. It was reported that since 12 April, the Colombian air force and army, together with several paramilitary groups, had been engaged in intensive operations to track down members of the Ejército de Liberación Nacional (ELN) (National Liberation Army), who had hijacked a passenger aircraft. The Special Rapporteur received reports of heavily armed paramilitaries in uniform patrolling the streets of San Pablo, allegedly with the cooperation of the security forces. In this context, the Special Rapporteur urged the Government to monitor these actions in order to prevent human rights violations. She also requested the Government to clarify the circumstances of the murders of Ismael Rincón Sierra, Alfiodys Durán Rodríguez and Ernesto Fernández Botero who were killed at San Pablo during the same period. On 25 August the Special Rapporteur sent an urgent appeal to the Government regarding an attack carried out by the Autodefensas Unidas de Colombia in La Gabarra, Tibú municipality, Santander. The Special Rapporteur urged the Government to take action in order to prevent future incursions and human rights violations by this particular paramilitary group in the region. On 28 September the Special Rapporteur sent an urgent appeal regarding the death threats received by Antonio Barrera Riaño, Fredisminda Álvarez, Plinio Ramiro Mahecha and Juanario Tapiero, inhabitants of Villa Lorena. Their names appeared in a note containing death threats distributed in the village by members of a paramilitary group. The Special Rapporteur sent an urgent appeal on 17 September concerning the presence of members of a paramilitary group in Monterralo, asking for a group of people whose names appeared on a list. The paramilitaries captured some of these persons and killed them on the spot. The rest of the people were threatened with death and ordered to leave the village.

129. **Indigenous leaders.** On 27 April the Special Rapporteur sent an urgent appeal to the Government after being informed of the murder on 24 April of Lucindo Domínico Juripa, an indigenous leader of the Embera-Katio community, Alto Sinú, Córdoba, by two men wearing paramilitary uniforms. Moreover, the Director of the Office of the High Commissioner for Human Rights in Colombia drew the Special Rapporteur's attention to continued attacks directed against the indigenous communities and their leaders, particularly in the area of Alto Sinú. Most of the incidents appear to have been related to the issue of the dam used by the hydroelectric company Hidroeléctrica Urrá.

130. **Journalists.** On 23 April an urgent appeal, jointly with the Special Rapporteur on the freedom of opinion and expression, was sent alerting the Government to death threats received by the literary publisher Gerardo Rivas Moreno, allegedly from Autodefensas Unidas de

Colombia. On 10 June, the Special Rapporteur sent a communication to the Government in reply to its letters of 7 and 10 May 1999 requesting more details regarding this case. The Special Rapporteur asked to be kept informed about the investigation, as well as the measures taken to protect the life and the right to freedom of opinion and expression of Mr. Rivas Moreno.

(b) Allegations received regarding acts committed by members of the military or the security forces

131. **Human rights activists.** On 22 July the Special Rapporteur sent an urgent appeal, jointly with the Special Rapporteur on the independence of judges and lawyers, regarding death threats received by the attorney Humberto Torres Diaz. According to the information received the death threats were related to a previous investigation carried out by Mr. Torres into alleged abuses by the police in Barranquilla.

132. **Trade unionists.** On 31 August the Special Rapporteur was informed that José Domingo Tovar, former Director of the Department of Human Rights at the trade union CUT, had been shot at by police outside the headquarters of the Colombian Federation of Teachers (FECODE) where he was going to attend a meeting. The shooting took place on the first day of a national strike coordinated by CUT. José Domingo Tovar had only recently assumed the position of director when the attack took place. His predecessor, Jesús González Luna, left the country after the above-mentioned attack.

133. **Peasants.** On 30 December 1998, the Special Rapporteur sent an urgent appeal to the Government regarding an attack suffered by the population of Santo Domingo, Arauca, allegedly by the armed forces of Colombia. Also on 30 December an urgent appeal was sent regarding an attack allegedly committed by the Batallón Palacé de Buga at Corregimiento de Monterolo, Tulá municipality, Valle del Cauca, on 8 November 1998. In the attack José Lucas Villamil, Ramón Gómez Montolla, José Helmer Grajales Forero, José Escenover Patiño and José Octavio López were killed. The inhabitants of Monterolo had reportedly been accused of collaborating with the Fuerzas Armadas Revolucionarias de Colombia (FARC).

134. **Indigenous leaders.** On 16 April the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the question of torture regarding an operation of the Colombia armed forces against FARC. The action took place from 7 to 10 April and affected the indigenous community of Paeces. Two of the indigenous leaders, Isidro Campo Ulcue and Rómulo Guetia Yatacue, were reportedly detained by the Third Brigade of the National Army.

135. The Special rapporteur also sent eight urgent appeals regarding death threats received by civilians and Church leaders during the period under review. Some of these persons were obliged to leave their homes, or even the country, as a result of these threats. On 11 March the Special Rapporteur sent an urgent appeal regarding the death threats received by Francisco Javier Trujillo and his wife, who had to leave the municipality of Trujillo, Valle del Cauca. Despite going into hiding in a Catholic seminary near Bogotá the couple continued to be threatened, as was Father Guillermo Campuzano, the director of the seminary.

Communications sent

136. The Special Rapporteur also transmitted communications of violation of the right to life on behalf of the following persons. Some of these persons were also the subject of urgent appeals (see above).

137. **Human rights activists.** On 31 January Everardo de Jesús Puerta and Julio Ernesto Gonzales, members of the Comité de Solidaridad con los Prisioneros Políticos, were travelling by public transport from Medellín when members of a paramilitary group stopped the bus and took the two men off the vehicle and killed them in the spot. On 21 November, Iñigo Eguiluz and Father Jorge Luis Mazo, a priest, were travelling by boat on the Atrato River in Chocó when they were intercepted and deliberately run down by members of the Autodefensas Unidas de Colombia. The two men reportedly died as a result of the crash.

138. **University leaders and teachers.** Luis Peroza and Manuel Vercel, teachers affiliated with the Asociación de Profesores de San Diego, Cesar, were abducted and killed after being threatened several times in February by members of a paramilitary group. Their bodies were discovered on 12 February. On 6 March two teachers of La Iberia school, Alejandro Melchor Suárez and Gildardo Tapasco Calvo, in one of the indigenous communities of the municipality of Riosucio Caldas, were taken from the school and killed by members of a paramilitary group. Hernán Henao Delgado, an anthropologist and architect, was killed on 4 May while giving a lecture at the University of Antioquia, Medellín. Two members of a paramilitary group reportedly entered the conference room, dragged Hernán Henao Delgado out of the room and shot him. He died the same day at the hospital. Gustavo Alonso Marulanda was killed on 7 August while coming out from the University of Antioquia, Medellín. The action was reportedly carried out by the Autodefensas Unidas de Colombia.

139. **Trade unionists.** On 17 February Julio Poveda, President of FENACOA, was on his way to his office in Bogotá when he was killed, allegedly by a group of armed civilians.

140. **Peasants.** On 28 February a group of 20 armed paramilitary on their way to Barrancabermeja, Santader, killed José Dario Sánchez and Orlando Forero Tarazona in Provivienda district. They then moved to Versalles district, where they murdered Israel Ariza. In El Ramaral the same paramilitaries shot dead Leonardo Guzmán and José Dario Hernández. The paramilitaries also stopped and checked some 30 vehicles. William Rojas and Jesús Manuel Gil, who were among those stopped, were also shot dead by the paramilitaries. The Special Rapporteur was informed that in order to leave the city the paramilitaries had to pass through a military checkpoint under the control of the 45th Battalion, also known as Los Héroes del Majagual. On 20-21 August members of the Autodefensas Unidas de Colombia went to the village of Caño Lapa, La Gabarra, Tibu municipality, Santander, where they killed Luis Jesús Contreras, José Angel Contreras, Jorge Paez Garza, Edison Alfredo Galván, José Antonio Padilla, Luis Francisco Gutiérrez, Luis Moncada and Chango Quintero. They were among a number of persons whose names appeared on a list the paramilitaries had brought with them. On 21 August a paramilitary group went to Monterralo. They asked for Ramón Albeiro Rojas, Uldarico Vargas and Misael Monroy and killed them on the spot. On 8 November José Lucas Villamil, Ramón Gómez Montolla, José Helmer Grajales Forero, José Escenover Patiño and

José Octavio López were killed after an attack allegedly carried out by the Batallón Palacé de Buga at Corregimiento de Monterolo, Tulá municipality, Valle del Cauca. The inhabitants of Monterolo had reportedly been accused of having collaborated with FARC.

141. **Indigenous leaders.** On 24 April Lucindo Dominicó Juripa, an indigenous leader of the Embera-Katio community, Alto Sinú, Córdoba, was killed by two men wearing paramilitary uniforms who came to his house.

Communications received

142. This section includes replies received from the Government to urgent appeals and to complaints of violations of the right to life transmitted by the Special Rapporteur during the period under review. In its communications the Government informed the Special Rapporteur that the Administrative Department for National Security (DAS) was investigating all allegations of death threats.

143. By letters dated 7 and 10 May 1999, the Government requested the Special Rapporteurs to submit additional information regarding the case of Mr. Rivas Moreno. On 29 July 1999, the Government informed the Special Rapporteurs that it was not in a position to submit information on the case, since the Special Rapporteurs themselves could not provide it with additional details. Nevertheless, the Government replied on 27 August 1999 that the Anti-Abductions Unit of the Public Prosecutor's Office in Bogotá was conducting investigations into the incident regarding Mr. Rivas Moreno. According to the Government, on 12 July 1999 Mr. Rivas Moreno was requested to provide more information about his complaint, and the Technical Investigations Corps was asked to appoint an investigator to seek to identify the perpetrator of the offence. The Government also sent a communication on 30 July 1999 regarding the provisions governing compulsory military service and the recruitment of minors by insurgent groups.

144. By letter dated 17 August the Government referred to the killing of indigenous leader Lucindo Dominicó Jaruipa. The letter stated that the National Police had informed the Government that the indigenous leader had been killed by four men while he was in a bedroom in the house of Mr. Nicolás Calderín, where he had been staying. The District No. 5 Police Command in Tierra Alta were unsuccessful in their efforts to learn the whereabouts of the alleged killers. In its letter the Government referred to the lack of cooperation from the residents of the area, who provided no information and gave no description of the alleged killers or the vehicle in which they were supposed to have fled.

145. By letter dated 24 August, the Government referred to the murders of Ismael Rincón Sierra, Alfiodys Durán Rodríguez, Ernesto Fernández Botero and Américo Mier Urueta. The Government stated that the bodies of the four men had been removed by the police inspector of San Pablo from the Los Caguises section on 19 April. The autopsy confirmed the cause of death as injuries sustained from being shot at close range and established the date of their deaths as 18 April. The office of the municipal attorney stated that it was not aware of any reason for the killings. The Government of Colombia stated that it had not been aware that Américo Mier Urueta had been killed as it had not been so informed by the municipal police. The National Police had begun round-the-clock patrols in the urban areas of the municipalities concerned in an

effort to combat crime. By letter dated 21 October the Government informed the Special Rapporteur that the local prosecutor attached to the Barranquilla district criminal court had ordered a preliminary investigation into the case.

146. On 22 September the Government sent the Special Rapporteur an issue of the publication Observatorio de los Derechos Humanos en Colombia, published by the Office of the President, which contained an article on the protection of human rights defenders. The Government stated that it was aware of the attacks on human rights defenders and their organizations in Colombia and that the Human Rights Unit of the Office of the Public Prosecutor was conducting 17 investigations into homicides and threats against members of human rights organizations. The Government stated that, in addition to the efforts it was making to overcome the root causes of the conflict, its policy of promotion, observance and safeguarding of human rights gave priority to ensuring the physical integrity of human rights defenders. Efforts focused on education, emphasizing the legitimacy of the work of human rights defenders, and progress had been made in strengthening ties between the Government, the police and the armed forces, human rights defenders and trade union leaders. The Government, through the Ministry of the Interior, was continuing to conduct a programme for the protection of persons who had received threats aimed at protecting human rights defenders and their organizations through communications, transport, security and escort systems and preventive action geared towards self-defence and awareness-raising. These measures were being extended to the following people at risk: trade union personnel, journalists, indigenous leaders, political leaders and university professors.

147. By letter dated 23 September the Government replied to an urgent appeal by the Special Rapporteur concerning alleged threats by a paramilitary group against inhabitants of Puerto Saldaña and La Herrera districts in the municipality of Rioblanco, Tolima. According to the Government's letter, the National Police, in an effort to combat all unlawful organizations and thereby guarantee public security and tranquillity, had been conducting campaigns against such groups. In 1998, 15 members of the Rojo Alta self-defence group were arrested in the Department of Tolima and weapons, ammunition and explosives were seized. The Government also stated that, in view of the threats against certain citizens, the departmental police command had ordered a study of the threats and a risk analysis, so that measures could be taken to guarantee the right to life of the persons exposed.

148. By letter dated 24 September the Government informed the Special Rapporteur of the status of investigations into the events that took place on 20 and 21 August in La Gabarra, Tibú municipality, Norte de Santander. Following the massive displacement of the population in Norte de Santander, on 8 July 1999 a humanitarian verification commission was set up to assess the situation in the region. The following organs are represented on the commission: the departmental office of the Attorney-General, the Office of the People's Advocate, the Ministry of the Interior, the Office of the United Nations High Commissioner for Refugees (UNHCR), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Office of the Vice-President of the Republic, the Social Solidarity Network, the non-governmental organizations Minga, Andas and Codhes, and the Office of the Governor of Norte de Santander. After hearing the complaints of the local community and interviewing one of the commanders of the Autodefensas Unidas de Colombia, led by Carlos Castaño a subcommission made up of representatives of the above-mentioned institutions decided that the executions of several people on the road from Tibú to La Gobarra had been carried out by that group. The Commission

recommended that the police and armed forces (the army and the National Police) should take preventive measures in response to the announced attacks by self-defence groups against the chief towns of Tarra municipality and Campo Dos and Filo Gringo districts; they were also to take action against groups operating outside the law, to guarantee the free movement of civilians along the Tibú-La Gabarra road. The Commission also recommended that the medical support service be allowed to enter the La Gabarra area, the Pista de Río de Oro district and the village of La Isla. The Commission further decided to request the relevant authorities to investigate possible mass graves in the area and to identify any bodies found. The Government stated that the departmental command carried out the order of the Director-General of Police to reopen the local police station in La Gabarra, transferring 3 officers, 6 non-commissioned officers and 60 uniformed patrol and police officers to maintain law and order in the region.

149. On 29 September the Government transmitted information concerning investigations conducted by the Office of the Public Prosecutor into the killing of United States citizens Terence Freitas, Laheenae Gay and Ingrid Washinawatok, whose bodies were found on Venezuelan territory close to the border with Colombia. The National Office of the Public Prosecutor had assigned the investigation to the Human Rights Unit and had immediately dispatched a commission of inquiry to the area in question. Following a preliminary investigation, the prosecutor in the case identified Gustavo Bocota Aguablanca and Germán Briceño Suárez, members of the Eastern War Unit of FARC, as the suspected perpetrators and issued the corresponding arrest warrants.

150. In its letter dated 7 October the Government referred to the deaths of José Lucas Villamil, Ramón Gómez Montoya, José Helmer Grajales, José Escenover Patiño and José Octavio López. The incident in question occurred on 8 November 1998 on the El Carmen estate, Tulá municipality, Valle del Cauca. Prosecutor's Department No. 32 of the Rapid Response Unit in Tulá had conducted preliminary inquiries into the murders and the investigation had been referred to the military court in Buga as the competent body. In its letter the Government referred to the report of Military Court of Criminal Investigation No. 16, which states that on the morning of 8 November 1998 troops from Artillery Batallion No. 3 in Palace and Counter-Guerrilla Batallion No. 3 in Primero Numancia, conducting a military operation called Cascabel 2, went to the rural sector of Monteloro district, Tulá municipality. When they arrived at a house in the sector, they announced that they were members of the National Army, to which the individuals inside responded by immediately opening fire. Several of the above-mentioned persons died in the ensuing clash. The investigation is at the preliminary stage and a disciplinary procedure is being conducted by the Human Rights Division of the Attorney-General's Office.

151. On 7 October the Government sent the Special Rapporteur a note concerning the killings of Everardo de Jesús Puerta and Julio Ernesto González, in which it stated that the investigation was at the preliminary stage and that it had been informed by the head of the National Human Rights Unit of the Public Prosecutor's Office that it had not yet been possible to determine whether the motives for the killings were related to the victims' political activities. The Office of the Vice-President of the Republic stated that the Special Committee for the Promotion of Investigations into Cases of Human Rights Violations would give the case special attention.

152. On 1 November the Government informed the Special Rapporteur that the Administrative Department of Security (DAS) and the National Police had transmitted to the Security Council

referred to in Decree No. 2615/91 the case involving threats received by Efrain Pardo Moreno, President of FENACOA, and by the widow and daughters of the murdered former President of the Federation, so that the authorities and forces of law and order could make the necessary arrangements to protect the persons concerned. The Government also transmitted information concerning the deaths of José Alonso Acosta, Moïes Reyes, Arley Sulita, Jaime Garcia and Cecilia López, reportedly killed on 30 June in the community of Juan Atalaya, Cucuta. The investigation into the deaths is still open and no organization had yet assumed responsibility for these killings.

153. On 5 November the Government informed the Special Rapporteur, concerning the security of the Peace Community of San José de Apartadó, that the local authorities had increased the security measures in order to protect the civilian population in the area.

154. On 8 November the Government replied to the Special Rapporteur's query concerning the death threats received by José Humberto Torres, stating that DAS had taken measures to guarantee the security of Mr. Torres.

155. On 8 November the Government informed the Special Rapporteur that the General Prosecutor's Office had opened an investigation into the death threats received by Domingo Tovar Arrieta.

156. By letters dated 17 November and 10 December the Government transmitted information concerning the death threats received by the Asociación de Familiares de Detenidos y Desaparecidos (ASFADDES) in Barrancabermeja. The investigation was being conducted by the Human Rights Unit of the General Prosecutor's Office. DAS had been informed of the case and its chief in Barrancabermeja had initiated investigations into the allegations.

157. By letter dated 27 November the Government sent the Special Rapporteur information about the measures taken to address the death threats received by representatives of university student associations in Colombia. The Government stated that the President of the Republic and the Ministry of the Interior had issued instructions for assistance and protection to be provided to the persons who had received the threats. The Ministry of the Interior took the following steps: provision of emergency humanitarian aid to several people; arrangements for transfer of the persons concerned to a different city; provision of student fellowships; talks with several university rectors to request greater flexibility for the persons who had received the threats, both students and teachers. The Human Rights Department of the Ministry of the Interior had met with administrators, students, workers and teaching staff of the University of Antioquia in an effort to solve the problems at the University. The Ministry of the Interior requested the Office of the Public Prosecutor to give its Human Rights Unit direct responsibility for the criminal investigation into various offences committed against students at the University of Antioquia.

158. On 26 November the Government of Colombia invited the Special Rapporteur to visit the country. The Special Rapporteur looks forward to conducting a mission to Colombia in the months to come.

159. By letter of 23 November the Government referred to the status of investigations into the case of Álvaro Gómez Hurtado who was killed on 2 November in Bogotá. The Office of the

Public Prosecutor had informed the Government that René Carvajal López, arrested on 22 October, was placed in pre-trial detention without possibility of bail for his alleged participation in the killing. He was charged with murder, attempted homicide, conspiracy to commit terrorism or murder and unlawful possession of firearms reserved for the use of the armed forces. On 8 November charges were brought against Colonel Bernardo Ruiz Silva, as the principal in the case, for attempted homicide, unlawful possession of firearms reserved for the use of the armed forces and conspiracy to commit terrorism or murder. The alleged perpetrators stated in writing that they would not appeal, as the case had been referred to the specialized circuit criminal court in Bogotá which will handle the following stage of the procedure.

160. By letter dated 6 December the Government informed the Special Rapporteur that DAS was in charge of the investigation into the death of the journalist Jaime Hernando Garzón.

161. By letter dated 6 December the Government transmitted information concerning the death of Iñigo Eguiluz Terreira a human rights activist from Spain who was killed on 21 November in El Chocó. The Government reported that after the investigation nine persons were charged. The National Unit on Human Rights (Unidad Nacional de Derechos Humanos) was in charge of the investigations.

Observations

162. The Special Rapporteur is grateful to the Government of Colombia for its numerous prompt replies to her communications. After thoroughly examining the Government's replies the Special Rapporteur acknowledges the Government's express will to address the problems it is facing. She is aware of the complexity of the matter, given the large number of actors involved. The Special Rapporteur welcomes the measures taken by the Government to protect people who are being subjected to continued death threats, although she remains concerned at the broad impunity enjoyed by military and paramilitary groups in the country. She urges the Government to renew its efforts to ensure that members of the armed forces responsible for human rights abuses are brought to justice.

Cuba

163. The Special Rapporteur is concerned about reports of a recent increase in the use of the death penalty in Cuba. According to reports, in March, April and May alone at least 10 people were executed and at least 5 more sentenced to death. A total of approximately a dozen people are reported to be awaiting execution on death row. These figures represent a marked increase over last year, when around 5 people were reported to have been executed. The Special Rapporteur is especially concerned that the increase in the use of the death penalty appears to have started immediately after the introduction in March 1999 of new legislation imposing the death penalty for serious cases of drug-trafficking, corruption of minors and armed robbery. According to the Comisión Cubana de Derechos Humanos y Reconciliación Nacional (Cuban Commission for Human Rights and National Reconciliation), the death penalty now applies for 112 crimes, 79 of which involve State security violations and 33 common crimes.

Democratic Republic of the Congo

164. The Special Rapporteur received 28 allegations of violations of the right to life during the period under review. She is concerned by the considerable number of executions that reportedly took place. Members of the Congolese Armed Forces (FAC) and members of the army are said to have participated in the executions.

Communications

165. The Special Rapporteur was told that on 3 January, over 300 civilians were killed by the FAC in the north of the country, more precisely in Mobé, 35 kilometres south of Zongo and Bangui. In Libengé, several dozen civilians, including women and children as well as nationals of the Central African Republic, were killed by the FAC.

166. On 7 February, about 15 diamond dealers were reportedly abducted by nine armed men in uniform. They were taken into the bush, undressed and bound. After stripping them of their money and possessions, the soldiers reportedly executed several of them namely, Lungonzo Mundele, Makambo Dezaf and his driver and A. Petit Abbé.

167. The Special Rapporteur was informed that, during the night of 13/14 May 1998, a niece of the Archbishop of Kinshasa, Cardinal Frédéric Estou, was killed by a group of armed men of unknown identity.

168. On 17 May, shopkeeper Wenceslas Tabaro was reportedly killed by FAC soldiers. Two of the six soldiers intercepted by the young people of the village were released by the Police d'intervention rapide (Rapid Intervention Police) (PIR) who arrived on the scene a few moments later.

169. The Special Rapporteur was also informed that on 7 June 1998, armed men in uniform stormed into the building of the religious order "Congregation of the Great Carmelites" and killed Brother Floribert Kamaragi. It is reported that before they fled, they stole a Fiat motor car belonging to the order and that same night, they also killed a police officer named Tshibwabwa Kapinga who was keeping guard at the university.

170. On the evening of 21 July 1998, Jacques Thierry, a Belgian national, was reportedly killed by a young soldier who was keeping guard outside the presidential palace.

171. On 22 July, three soldiers, in search of one of their colleagues in the village, allegedly killed Musema Be.

172. In August, Commander Mataki, an ex-member of the former Zairian Armed Forces (FAZ) who later joined the FAC was said to have been killed by his colleagues on the grounds that he was a Munyamulenge Tutsi.

173. The Special Rapporteur was told that, from 3 to 24 August, 89 persons, including 78 of Rwandan origin, had been killed by the Government's armed forces or by its supporters.

174. On 3 August, Mr. Komando, former activist of the Conseil national de la résistance pour la démocratie (National Council of the Resistance for Democracy) (CNRD) was reportedly killed by members of FAC on suspicion of supporting the Banyamulenge. The Special Rapporteur was also informed that on 4 August Giresse Nkola and another student were killed by soldiers from the Tshatshi military camp.

175. On 5 August, Protais Ndayitwaeko, a Burundian of Tutsi origin and a final-year student of the Faculty of Psychology and Education Sciences at the University of Kisangani, was allegedly killed at his home by military loyalists. He was accused of supporting the rebellion.

176. The Special Rapporteur was informed that on 5 and 7 August four trucks transported corpses which were then buried in mass graves in Kintabo.

177. On 19 August Mr. Bukoko was allegedly executed by Soni, a soldier from Major angu's camp, in the presence of camp guards.

178. The Special Rapporteur was also informed that on 27 August Jean-Marie, a resident of the commune of Bandalungwa, Kinshasa, was killed by members of FAC, not far from the Mariano market. Jean-Marie is said to have been murdered because the security forces took him for one of the rebels disguised as madmen.

179. The Special Rapporteur was further informed that, on 27 August, Gaston Basosila was killed and burnt alive in front of the Limeté town hall by soldiers, acting in collusion with the inhabitants. The security forces apparently took Gaston for a rebel.

180. On 30 August Paul Liaki, a guard at the Institut national de recherche biologique (National Institute for Biological Research) (INRB), was killed on the INRB premises by soldiers who accused him of being a rebel.

181. The Special Rapporteur was informed that at the end of August, Ebidilu, Django, Mwana ya President and Wayo Ndoba were murdered and burnt alive by citizens and/or soldiers. The victims were allegedly taken for rebels masquerading as madmen.

182. It is reported that on 5 September Benjamin Ilunga was killed by Yaf, a police officer, who was acting under orders from Commander Kabulo whom Benjamin Ilunga owed seven Congolese francs.

183. The Special Rapporteur was also informed that on 8 September Victor Malembo Mabuse was killed in his Peugeot 504 by FAC soldiers travelling in a Toyota Land Cruiser with the licence plates KN 89339. He was allegedly killed because he had collided with the Toyota.

184. On 8 September Musole Djogoni, an employee of the Office des Biens Mal Acquis (Office of Ill-gotten Property) (OBMA) was reportedly killed by soldiers guarding the former Okapi Hotel.

185. It is reported that on 2 September Benjamin Nzamba was arrested by police officers on the grounds that he was a member of a gang. He was subsequently locked up at the Provincial

Police Station (formerly Circo), where he was tortured throughout questioning. His body bore multiple stab wounds and he was shot in the left foot. On 18 September he succumbed to the torture and ill-treatment that had been inflicted on him.

186. The Special Rapporteur was also informed that on 29 September Kanza Muanda was murdered at his parents' home in a working-class neighbourhood in Kinshasa following an altercation with seven soldiers who were trying to steal some of the family's valuables.

187. In addition, the Special Rapporteur received reports in mid-October 38 FAC soldiers, who had been arrested for desertion or retreat from enemy troops, were executed after being tried by the Military Court (COM).

188. The Special Rapporteur was informed that Marie-Jeanne Ngoya N'zya was beaten and then shot dead on 1 November by a soldier of the 51st Batallion who was keeping guard at the Hôpital de la Rive, Mont Ngaliema. This former hospital patient was allegedly shot by the soldier as she fled after rebuffing his advances.

189. The Special Rapporteur, received reports that on 6 November Eric Ngelebele, a money changer, was killed by six armed men, two of whom were dressed in military uniform.

190. On 6 November, FAC soldiers on patrol allegedly killed Emery Muyembe, a Bralima employee, and a taxi-bus driver.

191. According to a press release published on the weekend of 14/15 November by the FAC headquarters, 13 government soldiers were executed in Lubumbashi for desertion or retreat from enemy troops. It is claimed that the soldiers were neither granted a satisfactory defence nor allowed to appeal against the death sentence that had been handed down by the COM.

Communications received

192. The Government continued to send detailed replies to the allegations transmitted.

193. The Government informed the Special Rapporteur of its intention to abolish the death penalty. The Government of National Salvation, with guarantees of financial and material assistance from the United Nations, stood ready to organize awareness-raising campaigns in order to prepare, inform and educate the public about the planned abolition of the death penalty. According to the Government, the abolition of the death penalty must also be accompanied by improvements in prison and policy administration. Consequently, the Government was in need of substantial logistical and financial resources to convert prisons into genuine rehabilitation centres. Crime prevention institutions also needed to be completely revamped to free them from pressure of various kinds that might constitute an obstruction of justice. The police should be provided with the appropriate logistics to confront the possibility of a sharp increase in the number of offenders who might no longer be deterred by the ultimate punishment. In the interim, until those preconditions for the changing of mentalities and the restructuring of the prison administration existed, the Government of National Salvation undertook to gradually abolish the death penalty, starting by its de facto restriction. Pending the revision of the Penal Code, in practical terms the death penalty would be applied only in a few, objectively serious

cases, in other words only as an exceptional measure. Until then, it would only be meted out to perpetrators of heinous and particularly serious crimes and premeditated murders. It would not be imposed on persons who were below 18 years of age at the time when the crime was committed, pregnant women, mothers of young children and elderly persons.

Dominican Republic

194. The Special Rapporteur transmitted an urgent appeal on 17 February to the Government concerning the safety of Josefina Juan de Pichardo, former General Prosecutor of the National District of the Dominican Republic. According to the information received by the Special Rapporteur she was receiving death threats because of her investigations into alleged State corruption and drug trafficking. On 9 February, Dr. Josefina Juan de Pichardo was reportedly visited by a high-ranking official of the Departamento Nacional de Investigación (DNI) (National Department of Investigation) who allegedly warned her that DNI was prepared to kill her children if she went forward with the publication of a book she had written in which she denounced State corruption in the Dominican Republic.

Communications received

195. On 15 March the Government informed the Special Rapporteur that Josefina Juan de Pichardo had not received death threats and that the Government had taken the required steps to ensure her and her family's security.

Ecuador

196. The Special Rapporteur transmitted two urgent appeals to the Government of Ecuador during the period under review.

197. On 25 February the Special Rapporteur transmitted to the Government an urgent appeal concerning death threats reportedly received by Kaiser Arévalo, member of Parliament representing the opposition party Pachakutik-Nuevo País (P-NP).

198. On 10 March the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the question of torture concerning the situation of Washington Fernando Aguirre Freile, Christian Steven Ponce and Sergei Merino, all detained on 18 February in connection with the assassination of opposition parliamentarians Jaime Hurtado González, Pablo Vicente Tapia Faringnano and Wellington Borja Nazareno. The Special Rapporteurs had been informed that Washington Fernando Aguirre, who had previously accused two police captains of involvement in the assassinations, was repeatedly stabbed by a fellow prisoner on 5 March 1999.

Communications received

199. The Special Rapporteur regrets that at the time of finalization of this report, the Government had not replied to her communications.

El Salvador

Urgent appeals

200. The Special Rapporteur transmitted an urgent appeal to the Government on 4 May concerning Miguel Montenegro, President of the Comisión de Derechos Humanos de El Salvador (Commission on Human Rights of El Salvador). It was reported that Mr. Montenegro was kidnapped by several armed men in the capital, San Salvador, on 26 April. The men put him into a car and threatened him for two hours. The men had reportedly told Miguel Montenegro that they knew where he worked and lived, and that they would take retaliatory measures against him and his family if he talked. It was reported that they also claimed to have contacts within the police force.

Communications received

201. The Special Rapporteur regrets that at the time of finalization of this report the Government had not replied to her communications.

Germany

Urgent appeals

202. On 8 December 1999, the Special Rapporteur addressed an urgent appeal to the Government of Germany concerning the case of Aamir Ageeb, a 30-year-old Sudanese asylum-seeker who reportedly died, during an attempt to deport him forcibly from Germany. According to the information received, Aamir Ageeb was escorted by three German border police officers to Frankfurt am Main Airport on the evening of 28 May, to be put aboard a Lufthansa flight from Frankfurt to Cairo and then on to Khartoum. When he resisted, Mr. Ageeb's arms and legs were reportedly tied and a helmet placed on his head. When he continued to struggle after being placed in a seat, the police officers allegedly forced his head down between his knees and kept him in that position until the aeroplane had taken off. When the police officers removed the helmet, they saw that Mr. Ageeb had stopped breathing. Efforts to revive him by doctors on the flight failed.

Communications received

203. By letter dated 19 July the Government informed the Special Rapporteur about the case of Aamir Omer Mohamed Ageeb. The Government deeply regretted Mr. Ageeb's death on 28 May 1999 had expressed its regret to the Government of the Sudan. The Government reported that the information contained in the Special Rapporteur's allegation was correct. The measures taken by the border police were supposed to protect the deportee as well as the police officers accompanying him: previous incidents gave reason to expect that Mr. Ageeb would attempt to resist deportation violently, thus threatening his and the accompanying officers' lives and security as well as the safety of other passengers. The General Prosecutor in Frankfurt had opened a criminal investigation into the case. In addition, an internal investigation, with a view to imposing possible disciplinary measures against the officers involved, had been ordered. These proceedings had been suspended pending the results of the investigation by the

General Prosecutor. At the time of the communication the cause of death had still not been established and the question remained open whether the officers involved had committed punishable acts.

Observations

204. The Special Rapporteur welcomes the steps taken by the Minister of the Interior of Germany to order an immediate suspension as of 29 May 1999 of all deportations where violent attempts to resist expulsion were expected. However, the Special Rapporteur is concerned that the suspension order was lifted on 25 June 1999.

Guatemala

205. In her last report to the Commission, the Special Rapporteur noted that there had been a marked decrease in the number of allegations received relating to the situation in Guatemala. During the present reporting period, the Special Rapporteur only sent three urgent appeals and one allegation to the Government.

Urgent appeals

206. On 25 March the Special Rapporteur sent an urgent appeal jointly with the Special Rapporteur on violence against women regarding information received concerning alleged violence against the following street children: Hilda Yesina Pérez Alvarez, Manuel Estuardo Dávila Juárez, Roxana Abigael Adalf, Juan Carlos López Girón, Lorena Carmen Hernández Carranza and Nery Mateo Hernández. The Special Rapporteurs informed the Government that on 14 March 1999, three armed men in civilian clothes reportedly drove into a vacant lot in Zone 2 of Guatemala City, where a group of street children were gathered. The men allegedly started shouting that they were going to kill the children and then began shooting, injuring Hilda Yesina Pérez Alvarez and killing Manuel Estuardo Dávila Juárez. It is reported that Manuel Estuardo Dávila Juárez was one of the 22 street children previously arrested and detained in February by the Policia National Civil (PNC) (National Civil Police). Earlier the same day he had reportedly participated in a gathering at the grave of 13-year-old street child Nahamán Carmona López on the ninth anniversary of his murder by four policemen. The Special Rapporteurs also related that on 25 February Roxana Abigael Adalf and Juan Carlos López Girón were approached by two men, one in civilian clothes, the other wearing the uniform of the Fuerza Especial Policial (Special Police Force), an elite unit within the PNC. The two men allegedly ordered the children to get undressed. Juan Carlos obeyed the order, but Roxana refused. The two men eventually gave up the attempt to rape the children and left. The incident took place in the same park where two other street children had allegedly been sexually assaulted in an earlier incident. It is reported that at approximately 8 p.m., on 11 February 1999, Lorena Carmen Hernández Carranza and Nery Mateo Hernández were sleeping in a park on 14th Avenue and 3rd Street in Zone 2 of Guatemala City. A uniformed member of the Fuerza Especial Policial accused them of having mugged and attacked a person with a knife. He allegedly became violent when he was searching the children for weapons, he threw them on the ground and ordered them to take off their clothes. He allegedly sexually abused Lorena.

207. On 23 April the Special Rapporteur sent an urgent appeal to the Government after she was informed that Ronalth Ochaeta, Director of the, Oficino de Derechos Humanos del Arzobispado de Guatemala (ODHA) (Archdiocesan Human Rights Office) had been assaulted by three gunmen on 16 April. The gunmen reportedly forced their way into his house, east of Guatemala City, threatened a servant and put a gun to the head of his 4-year-old son. The gunmen reportedly left after having searched the house for 40 minutes, leaving a box disguised as a bomb with a piece of brick inside - an apparent allusion to the cement block which was used to batter Bishop Juan José Gerardi to death a year earlier.

208. On 20 July the Special Rapporteur sent an urgent appeal on behalf of Francisco Sánchez Méndez and Aura Elena Farfán, members of the Asociación de Familiares de Detenidos-Desaparecidos de Guatemala (FAMDEGUA) (Association of Relatives of Detained/Disappeared Persons in Guatemala), who had been threatened on 22 May. According to the information received the death threats related to a book published by the Association on torture, abductions and summary executions committed by members of the Security Forces of Guatemala.

Communications sent

209. Robinson Manolo Morales-Canales, a member of the Unión De Trabajadores (Workers' Union), was reportedly killed on 12 January by two gunmen in the municipality of Zacapa. Mr. Morales-Canales had allegedly reported on corruption among officials of the municipality.

Communications received

210. On 16 and 25 November 1998 the Government transmitted to the Special Rapporteur its answer to a questionnaire sent by the previous Special Rapporteur concerning the murder of Bishop Juan Jose Gerardi (26 April 1998) and death threats received by other members of ODHA. According to the information received, the investigation is still open. The Government informed the Special Rapporteur that no compensation has been paid to the family of the victim.

211. By letter dated 29 April the Government informed the Special Rapporteur about action taken by the authorities regarding the alleged death threats received by Ronald Ochaeta. On 20 April, the PNC had increased its patrols in order to ensure Mr. Ochaeta's personal security.

Guinea-Bissau

Communications sent

212. The Special Rapporteur was informed that in mid-June 1998 a group of five or six security officials of Guinea-Bissau, one in police uniform, approached two youths, spoke to them, and then fired their machine guns, hitting one youth in the leg and the other in the stomach. Allegedly, bystanders carried the two injured youths to the Simão Mendes hospital, where they subsequently died.

Communications received

213. The Special Rapporteur regrets that at the time of finalization of this report, the Government had not replied to her communications.

Haiti

214. During the period under review, the Special Rapporteur transmitted to the Government an urgent appeal and an allegation of the violation of the right to life.

Urgent appeals

215. An urgent appeal was transmitted to the Government on 13 April on behalf of Pierre spérance, Director of the Coalition nationale pour les droits de l' homme en Haiti (National Coalition for Human Rights in Haiti), Port-au-Prince, who was reportedly driving his car, in the company of a colleague, when he was overtaken by another car which stopped in front of him. A man allegedly alighted from the vehicle and opened fire on the two men with a submachine gun.

Communications

216. The Special Rapporteur was told that on 9 April 1999 Carl Edwin Etienne and Marc Antoine Posy were killed in Fontamara, Port-au-Prince, during an operation of the Compagnie d'intervention rapide et de maintien de l'ordre (Rapid Intervention and Law Enforcement Unit).

Communications received

217. The Special Rapporteur regrets that at the time of finalization of this report the Government had not replied to her communications.

Honduras

218. The Special Rapporteur transmitted an urgent appeal and four allegations of violations of the right to life to the Government of Honduras.

Urgent appeals

219. On 21 July the Special Rapporteur transmitted to the Government information received regarding the alleged abduction of Dora Emperatriz Oliva Guifarro, an aid worker with the Comité de Familiares de Detenidos-Desaparecidos (Committee of Relatives of Detained/Disappeared Persons), reportedly by two paramilitaries who kept and threatened her for two hours.

Communications sent

220. An allegation was sent concerning Marco Antonio Servellón, Rony A. Betancourt, Diomedes Obed García and Orlando Álvarez Ríos, who allegedly died on 15 September 1995 in Tegucigalpa. It is reported that several official vehicles belonging to the Fuerzas de Seguridad Pública (FUSEP) (Public Security Forces) took part in a round-up of street children close to the National Stadium in Tegucigalpa. More than 120 people were reportedly detained, including the four above-mentioned persons. On the night of 16 December 1995 all four were reportedly taken from the 7th police precinct by FUSEP officials. Their bodies were found on 17 December. All four had been shot through the head.

221. An allegation was sent on behalf of Alexander Obando Reyes (age 17), who was allegedly killed on 10 March 1999 at La Merced Park, Tegucigalpa, while he was in the park with a friend. It is reported that a policeman started arguing with the two adolescents, and then took out his gun and started shooting. Alexander Obando Reyes and his friend started to run. It has been reported that the policeman pursued them and opened fire, killing Alexander.

222. On 21 May 1999 Noé Alejandro Álvarez (age 14) was walking by the main adult prison in Tegucigalpa when a uniformed prison guard opened fire with a rifle and hit the boy in the head. He died instantaneously.

223. On 28 August 1999 the bodies of Gerson Edgardo Calix, Esteban Varela and Gabril (family name unknown) were found in an unoccupied building close to a police station in El Progreso. It was reported that the three boys had been detained by the police on 27 August.

Communications received

224. The Special Rapporteur regrets that at the time of finalization of this report the Government had not replied to her communications.

India

225. The Special Rapporteur transmitted to the Government of India one urgent appeal and 13 allegations of violations of the right to live during the period under consideration. The Special Rapporteur is concerned by the fact that most of the killings reported were attributed to the police or the army.

Urgent appeals

226. One urgent appeal was transmitted to the Government on 14 October concerning Ms. Nalini, Mr. Santham, Mr. Murugan and Mr. Perarivaalan, 4 of the 26 people convicted of conspiring to murder Rajiv Gandhi, who was killed by a bomb explosion in Tamil Nadu in May 1991. It was reported that the Supreme Court of India, upon hearing the appeal of the 26 persons who were sentenced to death by the Terrorist and Disruptive Activities (TADA), trial court, released 19 of them, passed sentences of life imprisonment on 3 of them and upheld the death sentences of Ms. Nalini, Mr. Santham, Mr. Murugan and Mr. Perarivaalan. It was alleged that some of the accused had been tortured under police interrogation, and that many of the

defendants did not have adequate access to legal counsel during the pre-trial investigations. According to the source, Ms. Nalini, Mr. Santham, Mr. Murugan and Mr. Perarivaalan were originally scheduled to be executed on 9 June but their execution was postponed when they filed a review petition with the Supreme Court.

Communications sent

227. The Special Rapporteur was informed that the Chairman of the People's League, S. Hamid Wani, was killed on 18 April 1998 allegedly by officers of the Special Task Force (STF). Eyewitnesses to the incident reported that STF officers entered the house of S. Hamid's father-in-law in Ahmed Nagar Bachpora at 11 p.m on 17 April and took him away. After the STF men left the family members found bloodstains on the lawn outside their house. The following morning the police advised S. Hamid's family to collect his body from the Soura police station.

228. On 2 June 1998, according to reports, Noor Mohammad Khan was arrested by army personnel and taken to the Katsun jungle of Bandipora were he was allegedly shot dead.

229. The Special Rapporteur was informed that Gulzar Ahmed Ganai was allegedly killed on 6 June 1998 while in the custody of the Rashtriya Rifles at Weghama. It was reported that the Rashtriya Rifles had stopped the bus Mr. Ganai was driving on the evening of 28 May and arrested him. His body was reportedly recovered from the Takebla river by the police on 6 June 1998. According to reports, his body had three bullet wounds.

230. The Special Rapporteur has been informed that on 11 September 1998, Ghulam Mohi-Ud-Din Dar, a farmer, was shot by members of the Indian Army and paramilitaries as he was leaving his house at around 8.10 p.m. Reportedly, the soldiers continued firing at the bus in which fellow villagers tried to transport Ghulam Mohi-Ud-Din Dar to the hospital. The man later died of his injuries.

231. The Special Rapporteur was informed that on 31 October 1998, Imam Abdul Samad Dar, was apprehended outside his mosque by "renegades", allegedly assisted by the Indian army. He was reportedly taken to Shaltang and shot dead.

232. The Special Rapporteur was informed that Mohammed Shafat Rather, a student, was arrested at his home in the night of 11 November 1998 by Indian army forces who reportedly were identified by local people as members of the 100th Battallion border security force, stationed at Vecharnagh Soura. The following day Mohammed Shafat Rather's relatives were reportedly informed by telephone that he was in the hospital where he was taken after having been interrogated and tortured. Mohammed Shafat Rather died on 19 November.

233. The Special Rapporteur was informed that on 10 December 1998, the brothers Hafiz Bakhtiar Ahmad and Mohmmad Shafi were travelling by bus on the road between Kupwara and Sopore when members of the border security force and the special task force stopped the bus. The brothers were allegedly arrested. Their dead bodies were reportedly handed over to the district hospital authorities the following morning.

234. The Special Rapporteur was informed that Mohammad Ayub Bhat, a student, was arrested at his home on the night of 8 December 1998 by members of the special task force. He was reportedly released on bail on 14 December, but on his way back home in the company of his father, mother and younger brother, he was allegedly arrested again by two members of the special task force. Mr. Brat allegedly died in custody the same night.

235. The Special Rapporteur was informed that on 4 January, Gh. Rasool Shah was allegedly shot by Tom Singh, a soldier of the Rashtriya Rifles stationed in Brenthi Batpora Anantnag. Gh. Rasool Shah, who reportedly was a political activist of the Jammu Kasmir Liberation Front, his brother and three other villagers were on their way to pasture with their cattle when they got into an argument with soldiers. Gh. Rasool Shah was allegedly shot and severely wounded by Tom Singh. He was taken to hospital by his companions, where he allegedly later died of his injuries.

236. The Special Rapporteur was informed that Ghulam Mohammed Paul, a resident of Chanpora, Srinagar, was arrested on 6 February 1999 by the special task force in Awantipora. He was allegedly tortured, and died of his injuries during the night of 6-7 February 1999.

237. The Special Rapporteur was informed that on 4 April 1999, between 10 and 12 armed men arrived at Nripen Sarma's house. They told Nripen Sarma they were members of the police from the Patacharkuchi police station and asked him to come with them. The group allegedly took Nripen Sarma away and reportedly told his family to come to the police station the following morning. Nripen Sarma's sister reportedly went to the police station as requested but the officer in charge claimed that the police had not arrested anybody on the date in question. On 5 April, the body of Nripen Sarma was reportedly found in Pahukata river, Dhamarkur, with multiple wounds.

238. The Special Rapporteur was informed that on 30 May 1999, four fishery workers were reportedly killed after having participated in a rally against prawn farming organised by the Chilika fishermen's union. It was reported that Banchahanidhi Behera, Digambar Behera, Prema Behera and another unidentified fisherman were killed when police opened fire during the rally.

239. The Special Rapporteur was also informed that a group of three paramilitaries entered Mohmmad Abdullah Sheik's house on 29 October. When he arrived home, the paramilitaries ordered him to accompany them. Not far from the village, they sent Shabir Ahmad Sheik and Ghulam Qadir Sheikh, who had accompanied them, back. Allegedly, the paramilitaries shot Mohmmad Abdullah Sheikh shortly afterwards.

Communications received

240. By letter dated 21 October, the Government replied to the Special Rapporteur concerning three of the allegations transmitted in 1998. Concerning Kannuri Srivas, the Government reported that he was a member of a local guerrilla group that had been banned by the Government of Andhra Pradesh. He died in an encounter with the police while they were trying to arrest him. Concerning the death of Khaidem Bijoy Singh, the Government reported that he was a Peoples Liberation Army (PLA) activist and that he had died in an encounter with the

army at Buffalo Farm. Regarding the case of Koijam Rajen, the Government reported that on 6 February 1997 a combined force of 30 army and police commandos conducted a search operation at Pukhao Naharup and the surrounding hills. An encounter ensued with a group of youths suspected to be insurgents. After the exchange, two dead bodies and one injured person were found at the scene. The injured persons identified Koijam Rajen as having escaped during the encounter. He was picked up from his residence along with incriminating documents concerning the PLA. He was shot dead while trying to escape.

Observations

241. During the period under consideration, at least 17 persons are said to have been killed by the Indian police or the army. Three of them were allegedly tortured before being killed. Two incidents in which soldiers opened fire on buses have been reported to the Special Rapporteur.

Indonesia

242. From 4 to 10 November 1999, the Special Rapporteur on extrajudicial, summary or arbitrary executions conducted a joint mission to East Timor with the Special Rapporteur on the question of torture and the Special Rapporteur on violence against women, its causes and consequences. The visit was undertaken pursuant to Commission resolution S-4/1 adopted by the Commission at its special session on the situation of human rights in East Timor, from 24 to 27 September 1999. The report of the mission was submitted to the General Assembly (A/54/660).

243. Reports continue to be received by the Special Rapporteur concerning human rights abuses in Indonesia. It is alleged that police forces purposely target political protesters and ethnic minorities, who are often arrested or extrajudicially killed, not only in East Timor but in other locations such as Irian Jaya and Aceh.

244. As regards the use of the death penalty in Indonesia, the Special Rapporteur was informed that there were no executions in 1999 and no new death sentences passed. According to the information received at least 27 persons are under death sentence in Indonesia.

Urgent appeals

245. The Special Rapporteur transmitted eight urgent appeals to the Government of Indonesia during the period under review.

246. On 12 January the Special Rapporteur transmitted an urgent appeal concerning Ita F. Nadia, a human rights activist in Jakarta who was receiving anonymous phonecalls threatening her children. It was believed that she was being threatened because of the assistance she provided to the Special Rapporteur on violence against women.

247. On 24 February the Special Rapporteur transmitted an urgent appeal expressing her deep concern over continuing reports of killings in connection with the mounting violence in East Timor.

248. On 28 April the Special Rapporteur transmitted an urgent appeal jointly with the Special Rapporteur on the question of torture after having been informed that a number of persons in several towns across East Timor had been subjected to death threats, arbitrary detentions, torture and unlawful killings.

249. On 3 May the Special Rapporteur transmitted an urgent appeal concerning death threats received by members of several non-governmental human rights organizations following a meeting with the British Foreign and Commonwealth Office Minister in Dili.

250. The Special Rapporteur transmitted an urgent appeal on 30 August expressing her concern over continuing reports of excessive use of force by both the military and the police in connection with the referendum in East Timor. The Special Rapporteur drew the Government's attention to serious concerns expressed over the safety of pro-autonomy defenders, foreign journalists and international aid workers who were being terrorized by pro-integrationist militia. Two pro-autonomy youths were reportedly stabbed to death in the Becora area of Dili, while at least three people favouring independence died from gunshot wounds.

251. On 8 September 1998, the Special Rapporteur sent a joint urgent appeal in conjunction with the Chairman-Rapporteur of the Working Group on Arbitrary Detention, the Special Representative of the Secretary-General on internally displaced persons and the Special Rapporteur on the question of torture regarding the massive human rights violations committed in East Timor. Attacks by regular and irregular armed elements had reportedly resulted in the deaths of over 100 individuals, widespread infliction of torture and other forms of ill-treatment, involuntary or enforced disappearances of thousands, and the forced displacement of some 200,000 individuals.

252. On 13 September the Special Rapporteur sent a joint appeal with the Special Rapporteur on the question of torture expressing their concern over the safety and physical integrity of Mau Hodu, a member of the National Council of Timorese Resistance and the Central Committee of the political party Fretlin. Mau Hodu was allegedly arrested on 8 September 1999 in Dili by a joint Indonesian National Army (TNI) and militia team.

253. On 17 September the Special Rapporteur transmitted an urgent appeal to the Government jointly with the Special Rapporteur on the question of torture and the Chairman-Rapporteur of the Working Group on Arbitrary Detention expressing concern for the safety of Father Antônio Gonçalves, Yosep Suherman and Charles Peter Nono who were allegedly detained by the TNI and militia.

Communications sent

254. The Special Rapporteur transmitted to the Government 13 allegations of violations of the right to life.

255. On 24 September 1998, a member of the Indonesian military allegedly raped and killed Anastacia de Assunção, a 21-year-old woman from the village of Assalimo in Los Palos. It has

been reported that Anastacia de Assunção was the niece of a commander of the Falintil, the armed Timorese resistance movement. She had reportedly been beaten with a stone and sustained serious injuries including a fractured skull and a broken neck.

256. On 9 November 1998 five unidentified civilians were allegedly executed by the military. It has been reported that the five civilians were arbitrarily arrested in Alas and taken away in a military truck.

257. On 3 January 1999, Asiri Dutel Ferreira, João Martins and an unidentified civilian were reportedly killed by a militia called Mati Hidup Degan Integrasi (MAHIDIN) in Manutasi village, Ainaro district. According to reports MAHIDIN militia shot at several East Timorese youths who had approached a MAHIDIN post in Manutasi in an attempt to reconcile past differences. After being attacked the youths reportedly fled. Meanwhile, another large group of youths went to the MAHIDIN post to plead for reconciliation. MAHIDIN members allegedly attacked the group, killing Renaldo Orleans.

258. On 24 January, Fernando Cardoso, a farmer from Hudai hamlet, Carabau village, Bobonaro district, was allegedly shot in the head and killed by members of the MAHIDIN militia and Indonesian military personnel from the marine post in Ainaro. It has been reported that his death was corroborated in a media interview by the head of a Dili-based movement for reconciliation and unity of the people of East Timor.

259. According to reports, Olandino Pereira, Angelica de Jesus and Luis Pereira were shot dead, allegedly by military and civilian militia groups, in the village of Galitas, Zumalai subdistrict, on 25 January 1999. Angelica de Jesus is thought to have been pregnant.

260. According to reports, Jamaluddin Nurdin, Irwansyahbin Usman, Hasbi Saleh, Irwanbin Matsyah, Jailani Muhammad, Karimuddin Ibrahim and Syaifulbahri bin Yusuf were killed, allegedly by soldiers, at Idi Cut in East Aceh on 3 February 1999. It was reported that a crowd of people were making their way home from a meeting when they were first pelted with stones allegedly thrown from the direction of the military post at Idi. According to the source, at around 1.00 a.m., shots were fired indiscriminately into the crowd, as a result of which the above-mentioned persons were killed.

261. On 14 February 1999, Benedito de Jesus Pires was allegedly shot in the head and killed in west Dili by a mobile police brigade officer (BRIMOB) with a sniper rifle who had allegedly opened fire on a crowd.

262. According to reports, on 24 February 1999, at least seven soldiers allegedly began firing into a crowd and in the air in the Becora district of Dili. It was reported that the incident occurred during a funeral near the Becora army barracks. Francisco da Conceição Hornai was reportedly shot dead at the scene. Joaquim de Jesus reportedly died of his wounds at the Motael clinic.

263. According to reports, on 6 April 1999 Indonesian and paramilitary troops allegedly killed with guns and hand grenades Felisberto dos Santos, Agostinho dos Santos, Llidio dos Santos, Laurindo da Costa, Jacinto da Costa, Gil Tiago, Augusto Mouzinho, Joanico de sa Freitas,

Manuel Lisboa and three unidentified people in the church of Liquica where as many as 2,000 civilians had reportedly sought refuge from intimidation and violence at the hands of paramilitary groups in the neighbouring districts.

264. According to reports on 17 April Manuel Carrascalão and Manuel Pinto were killed at a pro-autonomy rally in Dili, allegedly by members of the militias.

265. According to reports, on 16 May 1999, in the village of Atara, Jose Lisu, João Sarmento, Abel de Jesus, Sidoni Leo, Urbano Pereira, Paulo dos Reis, Rogerio Talo Aci, Agostinho de Jesus, Jose Justiano, Urbano Gonçalves, Abel Gonçalves, Paulo de Jesus and João Leo Mali were allegedly killed in an early-morning raid on the village. It was alleged that the pro-integration militia group Pancasila and the TNI were responsible for the killings.

266. According to reports, on 10 September, Francisco de Vasconcelos Ximenes was allegedly shot on the road to Baucau, reportedly by militia and Indonesian police. He reportedly died the following day.

267. According to reports, Father Albert Garim, a German priest, was killed on 11 September 1999 by members of Kopassus (special forces command of the Indonesian military) in Dare.

Communications received

268. On 3 December 1998 the Government transmitted a communication to the Special Rapporteur regarding the alleged killing of 40 people in connection with a military operation in the subdistrict of Alas in East Timor. The Government informed the Special Rapporteur that on 9 November the Alas military post was attacked by a separatist group. Three military personnel and one civilian were killed in the attack and two other military personnel were abducted and taken hostage. Immediate measures were taken by the military against the perpetrators and five of them were arrested and one was killed during the incident.

269. On 4 January the Government transmitted a letter with clarifications regarding the following persons who were allegedly killed and reported on in last year's report.

270. Manuel Soares, who was killed on 27 June 1998, died, according to the Government's information, in a clash between pro-integration and pro-independence protesters during the visit of the European Union delegation to Los Palos.

271. According to the Government, Olandino Marcelino da Costa died in Baucau on 29 June 1998 when a crowd of protesters, who had assembled to greet the European Union delegation, became angry when a van carrying security forces appeared. The crowd attacked the vehicle and a member of the security forces panicked. In an attempt to disperse the crowd, he fired his gun from inside the vehicle, killing Olandino Marcelino da Costa. The member of the security forces responsible for the death of Olandino Marcelino da Costa was at the time of the communication being tried at the Dili Military Court.

272. Herman das Dores who was shot to death by a member of the security forces from the 315 Territorial Battalion on 16 June 1998. According to the information received from the Government, the officer responsible was found guilty, sentenced to 11 years' imprisonment and was dismissed from the military.

273. An investigation had been opened into the deaths of Carlos da Costa and Carlos da Silva.

274. According to the information received from the Government, Mrs. Sangkeh was killed in a clash between local people and members of the Bugis community in Sorong, Irian Jaya, on 2 July 1998, in which a number of houses belonging to the Bugis community were set on fire. The security forces tried to break up the clash by shooting in the air and one of the bullets hit Mrs. Sangkeh. A thorough investigation into the case was, at the time of the communication, under way. The competent authorities were willing to continue their investigations concerning Davis Kapisa.

Observations

275. For a detailed discussion of the crisis in East Timor, reference is made to the joint report of the Special Rapporteurs on extrajudicial, summary or arbitrary executions, on the question of torture and on violence against women on their visit to East Timor in November 1999. The Special Rapporteur further notes with concern that there are indications that Indonesia may, after several years of de facto moratorium on executions, soon resume carrying out death sentences.

Iran (Islamic Republic of)

Urgent appeals

276. The Special Rapporteur sent four urgent appeals to the Government during the period under review.

277. The Special Rapporteur transmitted one urgent appeal on 9 December 1998 concerning the death sentence of Karim Tuzhali after having been informed that he had been tortured while in prison. He was reportedly facing the death penalty for his former membership in the Kurdistan Democratic Party of Iran.

278. On 15 December 1998 the Special Rapporteur, together with the Special Representative on the situation of human rights in the Islamic Republic of Iran and the Special Rapporteur on freedom of opinion and expression, transmitted a joint urgent appeal to the Government concerning reports of what was described as a pattern of murders and disappearances of prominent Iranian writers and government critics. It was reported that in November 1998 the writers Majid Sharif, Mohammad Mokhtari and Mohamad Jafar Pooyande were found dead after having disappeared on 23 November 1998 and 3 and 9 December, respectively. The urgent appeal also mentioned the murders of Dariush Forouhar and his wife, both prominent critics of the Government. Both Special Rapporteurs and the Special Representative expressed their concern over the safety of the intellectual, critic and editor Pirouz Davani who reportedly went missing on 25 August 1998. They also asked the Government to provide them with information concerning the murders of the persons mentioned above.

279. The Special Rapporteur transmitted an urgent appeal jointly with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on 10 June concerning 13 members of the Jewish community who were reportedly arrested on 21 March in the cities of Shiraz and Isfahan. It was reported that they were not informed about the reasons for their detention.

280. The Special Rapporteur further sent an urgent appeal to the Government concerning the announcement of death sentences on 16 September 1999 by Gholamhossein Rahbarpur, President of the Tehran Revolutionary Court, against four students arrested during the demonstrations which began on 8 July 1999, when a group of students gathered outside university hostels in Tehran in an apparently peaceful protest against the closure of the daily newspaper Salam. It was reported that the authorities did not publicly announce the basis for the detention of those arrested after the demonstration. In a communication to the Government the Special Rapporteur made further reference to the detention of the 13 Iranian Jews held since March 1999. It has been reported that the reason for the detention is still unknown.

Communications received

281. On 12 January the Government reported that following the murder of five Iranian citizens the President of the Islamic Republic of Iran appointed a special committee to investigate the killings and to identify the perpetrators in order to bring them to justice. The Ministry of Information, cooperating fully with the committee, succeeded in identifying the group behind the killings and arrested its members, who were referred to the judiciary to stand trial. Some Iranian officers were among the suspects.

282. On 24 June 1999 the Government replied to the urgent appeal transmitted on 10 June, stating that the suspects had been arrested on charges of espionage and that their religious beliefs had not been a factor in their arrest, as the case was a matter of national security.

Iraq

283. During the period under review, the Special Rapporteur received reports concerning the execution of hundreds of political prisoners detained in penitentiaries throughout the country. Sources claim that the reported deaths in these facilities are part of a so-called "prison cleansing campaign", which was ordered by the head of the Special Security Organization. The sources of these grave allegations also assert that the detainees were convicted because of their supposed opposition to the Government and after trials that did not meet international standards. The Special Rapporteur continues to receive reports of extensive use of the death penalty for drug-related offences and economic crimes in Iraq.

Urgent appeals

284. On 24 February 1999, the Special Rapporteur sent a joint urgent appeal in conjunction with the Special Rapporteur on the question of torture on behalf of a number of persons arrested in connection with the killings of Ayatollah Mohammed Sadeq al-Sadr and his two sons on the night of 18 February 1999. Widespread protests had reportedly erupted at the news of the killings, particularly in the Shia-dominated district of al-Hawra in Baghdad and in the southern

cities of Karbala', al-Nassiriya, al-Illa and al-Najaf. Security forces had reportedly opened fire killing dozens of protesters. Several hundred others were said to have been arrested.

Communications received

285. By letters dated 8 and 19 March 1999 the Government responded to the urgent appeal referred to above. According to the Government, an investigation was being undertaken in relation to the murder of Ayatollah Mohammed Sadeq al-Sadr and his two sons. Four individuals had been arrested on suspicion of having carried out a fatwa, issued in a manner inconsistent with Islamic values and traditions, against the late Ayatollah. The Government denied that widespread protests had taken place afterwards. With regard to the arrested suspects, the Government replied that allegations of ill-treatment were biased.

Israel

Communications

286. The Special Rapporteur was informed that on 22 June 1997 Ibrahim Tawfiq Abu Ratma was shot and wounded, allegedly by an Israeli soldier after refusing to follow his orders. It has been reported that the 14 year-old child was both deaf and blind. Ibrahim Tawfiq Abu Ratma was reportedly taken to Shifa hospital where he died on 3 July 1997.

287. On 7 December 1998, Naser Erekat was allegedly shot in the head by Israeli security forces as he was bringing his younger brother down from the roof of the family house. He reportedly died in hospital two days later.

288. On 9 December 1998, Jihad Ayyad was shot and killed allegedly by Israeli security forces during a protest demonstration in Al-Bireh.

289. On 11 December 1998, Kamal Abu 'Adwan and Muhammad Sulayman 'Amer were allegedly shot dead by Israeli soldiers during a demonstration demanding the release of Palestinian political prisoners in Qalqiliya.

290. On 17 December 1998, Muhammad Ahmad Da'ud was shot allegedly by a member of the Israeli Defence Force during a protest against the Allied bombings of Iraq. Ten other persons were reportedly injured in connection with the same demonstration. Demonstrators were reportedly throwing stones at the Israeli security forces when the soldier opened fire.

Jamaica

291. The Special Rapporteur transmitted one urgent appeal to the Government on 22 January concerning the imminent execution of Patrick Taylor, Anthony McLeod and Christopher Brown. Mr. Taylor was reportedly scheduled for execution on 26 January 1999. The Special Rapporteur recalled that on 18 July 1997, the United Nations Human Rights Committee recommended that Mr. Taylor's death sentence be commuted, after having found that his rights under the International Covenant on Civil and Political Rights had been violated on several accounts (see CCPR/C/60/D/707/1996). The Committee concluded, inter alia, that the defendant's right to be

tried without undue delay had been violated, and that the failure to provide Mr. Taylor with legal aid for the purpose of filing a constitutional motion deprived the defendant of an opportunity to test the irregularity of his criminal trial in the Constitutional Court in a fair hearing. It also found that Mr. Taylor was being kept in prison conditions which violated his right to be treated with humanity and respect for the inherent dignity of his person, under article 10, paragraph 1, of the Covenant. The Committee concluded that Mr. Taylor's death sentence had been passed after a trial that did not meet the requirements set out in article 14 of the Covenant.

292. Mr. Anthony McLeod's execution was reportedly scheduled for 26 January 1999. The Special Rapporteur had been informed that on 31 March 1998, the United Nations Human Rights Committee recommended that a new appeal be heard in Mr. McLeod's case or, failing that, that he be released. This recommendation was based on a finding that Mr. McLeod did not have adequate assistance of legal counsel in preparing his appeal, which constituted a violation of the defendant's right to a fair trial under article 14. The Committee also concluded that the prison conditions in which he was being held were such as to violate his right to be treated with humanity and respect for the inherent dignity of his person, under article 10, paragraph 1, of the Covenant.

293. Mr. Christopher Brown was reportedly scheduled to be executed on 28 January 1999, despite having a petition pending before the United Nations Human Rights Committee. The petition (Communication No. 775/1997) included allegations regarding violations of a number of fair trial standards in Mr. Brown's case. It was alleged, inter alia, that Mr. Brown had not been promptly notified of the charges against him, that he had been ill-treated in detention, that he did not have adequate access to legal counsel after his arrest, and that he was not given adequate time and facilities to prepare his defence. The Special Rapporteur pointed out that the Human Rights Committee intended to consider Mr. Brown's case at its session in March-April 1999.

Communications received

294. On 1 March the Government of Jamaica replied to the urgent appeal transmitted by the Special Rapporteur on 22 January, stating that the rights to life, to a fair trial and to protection from inhumane or degrading treatment were fully guaranteed and protected by the Constitution of Jamaica. According to the Government all accused persons have the full benefit of due process of law, including appeals to the Court of Appeal of Jamaica and the right to appeal to the Judicial Committee of the Privy Council. The Government underlined that the imposition of the death penalty in Jamaica is in accordance with Jamaican law, with all necessary protection of the rights of the accused and is fully in keeping with the obligations of Jamaica under international human rights instruments which accept the imposition of capital punishment.

Observations

295. The Special Rapporteur shares the view expressed on numerous occasions by the Human Rights Committee, that the imposition of a death sentence upon conclusion of a trial in which the provisions of the Covenant have not been respected constitutes a violation of article 6 of the Covenant, if no further appeal against the sentence is possible. She wishes to remind the Government of Jamaica that the cases described above were submitted for the Committee's

consideration before Jamaica's denunciation of the Optional Protocol became effective on 23 January 1998, and therefore continue to be subject to the application of the Optional Protocol.

Japan

296. The Special Rapporteur is concerned that at a time when Japan should be taking a leading role in protecting human rights in the region and despite the international trend towards the abolition of the death penalty, Japan still continues to execute death sentences. The Special Rapporteur received reports about the execution of two prisoners on 17 December. The information brought to the Special Rapporteur's attention reveals that most executions are carried out in secret, without the families of the convicts being informed of the execution. The Special Rapporteur deeply regrets this practice, which is not in line with the United Nations Human Rights Committee's recommendation, made in October 1998, that Japan take steps to abolish the death penalty. The Committee also expressed serious concern about the conditions under which persons are held on death row. It recommended that the prison conditions be brought into line with the provisions of articles 7 and 10 of the International Covenant on Civil and Political Rights.

Kuwait

297. The Special Rapporteur welcomes the letter from the Permanent Mission of Kuwait to the United Nations Office at Geneva addressed to the Office of the High Commissioner for Human Rights concerning Commission on Human Rights resolution 1999/16, entitled "Cooperation with representatives of United Nations human rights bodies", in which the Government reported that, with a view to providing further facilities for United Nations staff and employees, the State of Kuwait had acceded to the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations. The Special Rapporteur believes that the Government's decision will facilitate cooperation between Kuwait and the United Nations human rights organs and representatives.

Malaysia

298. The Government of Malaysia transmitted a communication on 17 March to the Special Rapporteur concerning the death of Enyang Ak Gendang, Usman bin Muhammad and eight Indonesians who had been forcibly repatriated by the Malaysian police from immigration detention camps. These cases were discussed in the Special Rapporteur's report to the fifty-fifth session of the Commission on Human Rights (E/CN.4/1999/39/Add.1, para. 128). Regarding the case of Enyang Ak Gendang, the Government stated that following the incident in which the victim was killed, the police suggested that the Sarawak Land Custody Development Authority and the Empressa company arrange a dialogue with the Iban indigenous community with a view to compensating the Ibans as promised. The Government reported that since the incident Empressa and its subcontractors had ceased their operations.

299. Concerning the case of Usman bin Muhammad, the Government stated that he was given medical attention at the Macap Umboo Detention Centre but despite this attention he died on 10 November 1997. His body was sent to the Melaka General Hospital for an autopsy, where it was determined that he had died of natural causes.

300. Regarding the eight Indonesian nationals, the Government reported that at the Semenyih and Macap Umboo Detention Centres illegal migrants had instigated violent riots to avoid being returned to their countries of origin. At Semenyih, as a result of the most violent rioting by illegal migrants, seven migrants and a Malaysian policeman lost their lives.

Mexico

301. By letter of 19 February, the Government of Mexico invited the Special Rapporteur to visit that country. In response to that invitation, the Special Rapporteur and her team visited Mexico from 12 to 24 July. For a more detailed description of the visit, reference is made to the Special Rapporteur's mission report (E/CN.4/2000/3/Add.3).

302. During the period under review, the Special Rapporteur sent seven urgent appeals and two allegations regarding violations of the right to life. During the period under review, many reports were received of death threats against and harassment of human rights defenders, particularly non-governmental organizations.

Urgent appeals

303. **Human rights activists.** The Special Rapporteur, together with the Special Rapporteur on the right to freedom of opinion and expression, sent two urgent appeals regarding death threats received by members of the non-governmental organization Centro de Derechos Humanos Miguel Agustin Pro-Juárez on 6 and 16 September and 1 November. It was reported that workers at this organization had received several death threats since 3 September 1999. On 28 October, a group of individuals allegedly entered the home of Digna Ochoa y Plácido, the organization's Legal Coordinator, and the offices of the Centro de Derechos Humanos Miguel Agustin Pro-Juárez in Mexico City. Digna Ochoa y Plácido was allegedly assaulted, interrogated and harassed by the individuals who entered her home. She was questioned about her alleged contacts with the Ejército Zapatista de Liberación Nacional (EZLN) (National Liberation Zapatista Army) and the Ejército Popular Revolucionario (EPR) (Popular Revolutionary Army). The questioning reportedly went on till the morning of 29 October, at which point, before leaving the house, the assailants tied Ms. Ochoa y Plácido to a butane gas container. In August, the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on freedom of opinion and expression sent an urgent message to the Government informing it of death threats received by all of the members of the Centro de Derechos Humanos Miguel Agustin Pro-Juárez, particularly Digna Ochoa y Plácido and the director of the Centre, Edgar Cortez Morales.

304. **Lawyers and researchers.** On 5 October, the Special Rapporteur sent an urgent appeal to the Government of Mexico after being informed of death threats received by Jorge Luis Sierra and Alberto Enriquez del Valle, two researchers specializing in the armed forces. They both

allegedly received death threats to force them to abandon the research concerning the Mexican army they were carrying out together with federal deputy Gilberto López y Rivas.

305. **Journalists.** On 15 February, the Special Rapporteur, together with the Special Rapporteur on the right to freedom of opinion and expression, drew the attention of the Government of Mexico to the attack on and death threats received by Enrique Gutiérrez, a journalist from the local newspaper El Sur, while he was covering the elections of 7 February in Acapulco, Guerrero State. The incident took place in La Glorieta de Puerto Marques, when the journalist was gathering information on alleged irregularities in the electoral process, attributed to election officers from Polling Station 308 and staff working for the municipal government who were members of the Institutional Revolutionary Party (PRI). On 15 February, the two Special Rapporteurs sent an urgent appeal to the Government concerning threats received by staff of the magazine La Guillotina. It is alleged that on 8 April 1999 Carina Ochoa, a journalist from that magazine, was attacked by a man and questioned by him about her recent trip to Spain and about meetings she was supposed to have had there with various trade unions. Carina Ochoa was reportedly threatened with death if she carried on with her work. According to the information received by the two Special Rapporteurs, staff from the magazine had received death threats on previous occasions. On 15 March, two of the magazine's employees who had just finished recording a public meeting between local people and the EZLN were reportedly attacked by two armed men who robbed them of their film equipment. On 16 July, the Special Rapporteurs sent a joint urgent appeal to the Government informing it of death threats received by Jesús Barraza Zavala, editor of the weekly Pulso in the city of San Luis Rio Colorado, Sonora State. According to the information received, the threats were related to an article published in the weekly which linked a former governor of Quintana Roo with drug trafficking. The weekly had previously published an article drawing attention to the alleged involvement of the Federal Judicial Police in drug trafficking and calling for inquiries into the matter. The source of the information informed the Special Rapporteurs of various attacks and threatening visits to which Jesús Barraza Zabala and his bodyguard had been subjected. In their urgent appeal, the Special Rapporteurs reminded the Government of Mexico that Benjamin Flores González, a former editor of the same weekly, had been murdered on 15 July 1997.

306. **Peasants.** On 19 May, the Special Rapporteur, together with the Special Rapporteur on the question of torture, sent an urgent appeal to the Government concerning the peasant Evaristo Albino Téllez, aged 27, and Antonio Mendoza Olivero, aged 12. It is reported that the two left Barrio Nuevo San José, part of the autonomous municipality of Rancho Nuevo Democracia, Guerrero State, to work in the fields. When they failed to return, the following day the sister-in-law of Evaristo Albino Téllez, Francisca Santos Pablo, aged 33, and the boy's grandmother, Victoriana Vázquez Sánchez, aged 50, went out to look for them. When the women reached the plot of land they encountered a large group of soldiers, who had made an incursion into the Mixtec indigenous area of the municipality of Tlacoachistlahuaca on 19 April 1999. When they saw the soldiers, the women tried to flee but were caught and raped by the soldiers. The two women managed to return to Barrio Nuevo San José and tell community leaders what had happened. According to the information received, the soldiers patrolled the plot of land for several days so that no one from the community dared approach for fear of new attacks. On 28 April 1999, after the soldiers left, traces of blood, the child's sandals, cartridge cases, bloodstained rubber gloves and a mask were found. While the soldiers were at the site, they also allegedly beat Rufino Ramírez Santos and a 10-year-old girl who was with

him. These facts were reported to the National Human Rights Commission and to the state Human Rights Commission. They were also brought to the attention of the Public Prosecutor's Office of Ometepec and the judge of the court of first instance of the same place, who for two days allegedly refused to grant the equivalent of a habeas corpus application as long as Antonio Mendoza and Evaristo Albino did not appear before the authorities. On 7 May, the state Human Rights Commission is said to have informed the relatives of Antonio Mendoza and Evaristo Albino that they had been killed by soldiers. The soldiers claimed that Evaristo and Antonio had fired shots at them. According to the information received, the Public Prosecutor's Office of Ometepec, where the dead bodies had been taken, knew of the deaths of Evaristo and Antonio well before the family was informed. When relatives consulted the coroner's office in Acapulco, they learnt that Antonio Mendoza had died as a result of loss of blood caused by a single gunshot wound in the leg.

Communications sent

307. The Special Rapporteur also sent three complaints of violations of the right to life of the following persons.

308. On 4 March 1999, according to the source, two individuals wearing the uniform of the State Judicial Police killed Aurelio Peñaloza García. Although two witnesses have testified that Aurelio Peñaloza García was in the street beside his house, according to the Office of the Attorney-General he was in his home and was shot dead by two individuals who entered the house. Jesús Alvear Pérez was reportedly also killed in the same incident. Aurelio Peñaloza García was coordinating the election campaign of Félix Salgado Macedonio, who was running for governor of Guerrero State as the representative of a coalition of three political parties (the Democratic Revolution Party (PRD), the Labour Party (PT) and the Workers Revolutionary Party (PRT)).

309. On 6 December 1998, a white Ford van reportedly driven by officers of the local police force of El Paraíso, municipality of Atoyac de Álvarez, Guerrero, parked outside a café in which Vicente Marcelo García was sitting with his 17-year-old son. The police officers allegedly dragged Vicente Marcelo García out of the café, while his son managed to escape. Vicente Marcelo García's body was found shortly afterwards in a street near the café.

310. On 15 September 1999, according to information received by the Special Rapporteur, a group of soldiers were in the village of Xoxocapa. The officer-in-charge ordered the soldiers to return to camp on a hillside at Xalcuatla. Six of them reportedly disobeyed the order and went to the nearby village of Tlazoquico. A few hours later, the six soldiers returned to Xoxocapa where they went to a dance. Following an argument with a group of youngsters, the soldiers allegedly opened fire, one of their bullets hitting Magdaleno Hernández Escobar, who died instantly.

Communications received

311. By letter of 6 January, the Government of Mexico sent the Special Rapporteur a copy of the White Paper on Acteal in reply to her urgent appeal of 16 January 1998, following the events

of 22 December 1997 when 45 indigenous Tzotziles displaced to the area of Acteal were killed in the municipality of Chenalho, Chiapas State. Details of the case can be found in the report of the Special Rapporteur on her visit to Mexico (E/CN.4/2000/3/Add.3).

312. By letter of 30 March, the Government informed the Special Rapporteur of progress in the inquiry into the alleged killing of Cenobio Sixto Santos on 26 March 1998 by members of the Federal Army (see E/CN.4/1999/39/Add.1, para. 133). The Government stated that Cenobio Sixto Santos had been wounded by a bullet during the operation, but he had not died. The Government pointed out that as a result of the events of 26 March 1998 in the community of Barrio Nuevo San José, municipality of Tlacoachistlahuaca, Cenobio Sixto Santos and Herminio Sixto Sánchez had been taken into custody by the relevant authorities.

313. By letter of 6 April, the Government informed the Special Rapporteur of progress in the inquiry into the killings of Danile Colín Enciso, Juan Carlos Moreno and Ivan Moreno, in Colonia de Buenos Aires, Mexico City. The Government said that the hearings of witnesses, as well as reconstructions and visual checks, had been completed. The cause of death, according to the death certificate, was gunshot wounds. The Public Prosecutor's Office was in charge of the inquiries and proceedings had been initiated in Federal District Criminal Court 19. The ministerial inquiry was still open. The perpetrators had not yet been identified and therefore no punishment had been handed down. Any punishment would depend on the judicial decision in the case. The Government said it had paid the families of the victims compensation of 400,000 new pesos for each person killed.

314. By letter of 6 April, the Government provided information on the death of Gerardo Villarreal on 26 February 1998 in Linares, Nuevo León State. According to reports, Gerardo Villareal died after having been ill-treated by members of the State Judicial Police (E/CN.4/1999/39/Add.1, para. 134). The Government said that the cause of death given on the death certificate was hypovolaemic shock as a result of deep bruising of the abdomen. The Office of the Government Prosecutor of Nuevo León was in charge of the inquiry. Criminal proceedings were under way in the mixed-jurisdiction court of first instance of the sixth judicial district of the state, in Linares, Nuevo León. The Government reported that the killer had not yet been identified, but the evidence pointed to members of the former State Judicial Police (no names could be given at this point in the trial). The persons involved were no longer on active duty while awaiting the judgement in the criminal case. No compensation had yet been paid to the victim's family in order not to violate the provisions of article 145 (iii) of the Penal Code in force in Nuevo León State.

315. In its letter of 6 April, the Government referred to the killing of Mirey Trueba Arciniega by a member of the armed forces on 22 August 1998 in the municipality of Guadalupe y Calvo, Chihuahua State (E/CN.4/1999/39/Add.1, para. 139). The Government said that the Human Rights Commission of Chihuahua State had carried out a number of inquiries, from which it emerged that the Military Public Prosecutor's Office had filed criminal charges against Lieutenant Colonel Luis Raúl Morales Dominguez of the Mexican army for the murder of Mirey Trueba Arciniega. The court of first instance of Mina Judicial District had declared itself not competent to try the case and referred the case to the military court attached to the Third Military Region, located in Mazatlán, Sinaloa.

316. In its letter of 3 June, the Government informed the Special Rapporteur about the Office of the Special Prosecutor for Investigating the Killing of Women in Ciudad Juárez, set up on 10 February 1998. The Government also provided information on action taken, such as the reorganization of the specialized unit and the reallocation of tasks assigned to it. The Government said a general analysis had revealed that in the various criminal courts located in Ciudad Juárez, 145 suspects had been charged with the killing of women, in a total of 103 cases. The Office of the Special Prosecutor was working on 65 cases relating to 67 victims. The bones of 23 of the victims were still undergoing various tests, but in the other 44 cases the victims had been identified and the corresponding inquiries were being carried out. The Government informed the Special Rapporteur that between 4 October 1998 and the time of writing, the deaths of 16 women in Ciudad Juárez had been recorded, 14 of which were cases of homicide. The Government said that those suspected of being responsible for those 14 cases had been arrested and charged.

317. On 10 August, the Government provided the Special Rapporteur with information on measures taken with respect to the urgent appeal she had sent on 16 July concerning death threats made against Jesús Barraza Zavala, allegedly by members of the Federal Judicial Police in the city of San Luis de Río Colorado, Sonora. The Government informed her that on 16 June the Government Prosecutor of the State of Sonora had been requested to take measures to protect Jesús Barraza Zavala. On the same day, the Government requested the Office of the Attorney-General of the Republic to take appropriate measures to determine whether members of the Federal Judicial Police had been involved in the incidents, and, if so, to threaten to use the enforcement measures at its disposal to prevent them from taking any direct or indirect action against Jesús Barraza Zavala, and to guarantee his safety. The Deputy Prosecutor in charge of supervising proceedings in the Government Prosecutor's Office of the State of Sonora had informed the Government that although some measures had been taken to guarantee his security, it was not possible for the State Judicial Police to provide him with full-time personal protection because of budget constraints. The Government reported that Jesús Barraza Zavala was in constant contact by phone with officials of the General Coordination Board for the Programme to Deal with Offences against Journalists and Human Rights Activists.

318. On 22 September, the Government of Mexico sent a communication to the Special Rapporteur concerning death threats against members of the Human Rights Centre Miguel Agustín Pro-Juárez and, in particular, against Digna Ochoa y Plácido and Edgar Cortez Morales. In that communication, the Government of Mexico condemned all forms of threats against civilian organizations. The Government reported that mechanisms had been established under article 40 of the National Human Rights Commission (CNDH) Act to provide expeditious preventive measures for persons exposed to such threats. According to the Government, CNDH gave the dossier to its Fourth General Inspectorate, in charge of coordinating the programme for assistance in case of injury to journalists and civilian human rights defenders. With the consent of the injured parties, CNDH requested the office of the Minister of Public Safety to take precautionary measures to ensure the physical and psychological well-being of Digna Ochoa y Plácido and members of the Centre. On 6 September, at the request of CNDH, officials from the office of the Minister of Public Safety and from the Federal District were contacted and the surveillance measures to be adopted in order to provide the requisite protection were agreed upon. The Office of the Government Procurator of the Federal District, after taking a statement from the complainant and witnesses,

began preliminary investigations into the allegations. On 13 December the Government informed the Special Rapporteur that all the measures to ensure the security of the members of the Human Rights Centre Miguel Agustín Pro-Juárez had been taken.

Observations

319. The Special Rapporteur draws attention to the recommendations contained in the report prepared on her visit to Mexico (E/CN.4/2000/3/Add.3). She is deeply concerned at the continued threats against human rights defenders, journalists and anyone investigating alleged irregularities on the part of the State authorities.

Myanmar

Communications

320. The Special Rapporteur has been informed that on 4 August 1998, Sai La Awng, his wife Nang Zarm and their two children were staying overnight at their farm when about 40-50 State Peace and Development Council (SPDC) troops reportedly led by Capt. Thein Soe from Lai-Kha came and accused them of acting as informers for the resistance. They allegedly beat and kicked both the husband and wife. Nang Zarm and the children were then told to leave the farm, and while doing so they reportedly heard gunshots. Nang Zarm allegedly found the dead body of Sai La Awng the following day.

321. The Special Rapporteur has been informed that on 4 September 1998, about 100 SPDC troops, reportedly led by Maj. Soe Phyu surrounded and shot dead Loong Su, Sai Seng, Mang Non Hawm, Nang Naw, Sai Ti-ya, Sai Aw-tae-ya and Nang Nu Ne. The soldiers had been told that members of the Shan armed resistance were holding a public meeting at the village in question, but when the soldiers arrived only the above-mentioned, reportedly unarmed villagers were present, eating and drinking. The soldiers then shot them.

322. The Special Rapporteur has been informed that Loong Uay, Pa Thuay, Wi Ling, Nang Mawn, Sai Kyaw and Nang Nim, originally from Loi Pha village, Wan Long tract, but forcibly relocated to the town, were killed on 7 September 1998, allegedly by SPDC troops led by commander Myint Lwin. Some 40 soldiers reportedly arrested the men, tied them up and asked for money. After some discussions all six of them were allegedly shot dead.

323. The Special Rapporteur has been informed that on 10 September 1998, 13 villagers were shot dead by SPDC troops led by Maj. Maung Thein. Apparently, the persons killed were part of a group of villagers who had been relocated in 1997/98, only to be relocated again to Wan Lao, Sai Khao and Paeng Kharn villages. On 10 September 1998, a convoy from Tawnggi (Taunggyi) carrying 120 soldiers allegedly stopped at Kai Lam village on Kun Hing-Kho Lam road. They went on foot to Wan Lao village where they reportedly shot the 13 villagers.

324. The Special Rapporteur has also been informed that about 100 SPDC troops based in Nam-Zarng were patrolling the area of Kaeng Tawng, Murng-Nai. They allegedly seized Loong Saw-Nan-Ta and forced him to work as a guide and porter. On 11 September 1998, while resting overnight at the monastery compound at Wan Kard village, Loong Saw-Nan-Ta allegedly

fell ill and could not carry on the next morning. For this reason, the troops reportedly beat and kicked him to death. Reportedly, troop commander Htoo Nyein also shot dead Loong Karng Kya, the village headman of Wan Kard.

325. The Special Rapporteur has been informed that on 14 October 1998, a patrol of about 30 SPDC troops allegedly led by commander Than Nyunt arrived at a farm where Nang Lam, seven-months pregnant, and her sister Nang Zu were reportedly alone. The women were allegedly accused of being wives of Shan soldiers and beaten, as a result of which Nang Lam allegedly died.

326. The Special Rapporteur has been informed that from 14 to 17 October, SPDC troops allegedly led by Capt. Aung Khin, were patrolling in Kun-Hing when they allegedly shot dead Loong Mawng and Loong Pan La, two civilian porters who were serving them, and four local villagers, Long Kham Leng, Pa Phit, Nang Noe, and Wa-Zit-Ta.

327. It has been reported that SPDC troops allegedly led by Capt. Htun Maung raped four women who were working on a farm three miles north of Kun-Hing on 19 October 1998. When Loong Sai and Sai Mint Awng, husbands of two of the women, came looking for their wives the following day, they reportedly were shot dead by the troops who had been sent to guard the area surrounding the farm. Allegedly, the rapes continued and the soldiers took the women with them when they left for Kun-Hing. On 21 October 1998, in Kun-Hing, the troops reportedly shot dead Loong Pan-ta, originally from Kaeng Lom village.

328. The Special Rapporteur has been informed that on 5 December 1998, SPDC troops allegedly led by commander Thein Win shot dead Long U and Loong Su Nya, two civilian porters the troops had recruited two days before. According to reports, after two days of portering, Loong U became too weak to walk. He was allegedly kicked and beaten by soldiers and then finally shot dead.

329. The Special Rapporteur has been informed that on 10 December 1998, Capt. Soe Hlaing raped and killed Nang Sa.

330. On 13 December 1998, Capt. Soe Hlaing and his troops allegedly tortured and killed Loong Kang Law, the Nawng Kaw village headman, who reportedly had witnessed and reported the above-mentioned incident to the town community leader. Loong Kang Law was reportedly arrested, interrogated and tortured to death on the accusation of having a walkie-talkie hidden in his house.

331. On 20 December 1998, according to reports, about 50 SPDC troops based in Murng Ton and reportedly led by Maj. Nyan Myint were patrolling the area when they allegedly arrested Kaw Ling, the village headman, and Pae-Ti, his wife's brother, of tipping off rebel soldiers to ambush them. The soldiers allegedly interrogated, beat and tortured Kaw Ling and Pae-Ti, and eventually shot them dead.

332. The Special Rapporteur has been informed that a number of porters were killed by SPDC troops between 2 and 20 December 1998. On 4 December 1998, troops reportedly led by commander Tan Lat allegedly seized Sarng Aw at Wan Wa village, Ha Wan tract. When

Sarng Aw became weakened after several days without adequate food and rest, the troops reportedly accused him of defying military orders and beat and kicked him until he died on the road at the entrance of Long Lurng village, Nawng Tao tract. Other porters reported to have been killed by SPDC troops in the same period include Loong Su-Ling, Sai Khat Nee, Sai Sarng Aw and Loong Sai.

333. The Special Rapporteur has also been informed that on 1 January 1999, a group of women, among them Nang Leng Sa, were carrying rice from their farms to their villages when they came across a patrol of 70-80 SPDC allegedly led by Commander Myint Sein. Reportedly, Commander Myint Sein took away Nang Leng Sa, raped her and shot her dead. Allegedly, when he was about to shoot Nang Leng Sa, Sai Mu, one of the civilian porters, begged for mercy, upon which Myint Sein reportedly shot him dead as well.

Observations

334. During the period under consideration, at least 53 persons are said to have been killed by troops of the State Peace and Development Council. At least eight women were reportedly raped and killed, one of them seven months pregnant. Most victims are said to have been tortured before they were shot dead. The Special Rapporteur has received no reply from the Government to her communications.

Nepal

335. The Special Rapporteur was informed that human rights violations increased dramatically after the Government launched an operation in several districts in mid-western, western and central regions of the country in May 1998. The intensified police action resulted in an increase in reports of extrajudicial executions. The Special Rapporteur also received reports of civilians suspected of being supporters of the armed movement having been deliberately targeted and extrajudicially executed by the police.

336. On 20 September, the Special Rapporteur wrote to the Government requesting that she be invited to visit Nepal. The Government has responded positively to the request, and the Special Rapporteur looks forward to visiting Nepal in early 2000.

Communications sent

337. The Special Rapporteur transmitted one communication to the Government concerning the violation of the right to live of Suk Bahadur Lama. It was reported that on 3 August 1999 Suk Bahadur Lama was on his way to Bhairahawa along with a truck driver, the truck owner's brother and a businessman. They reportedly stopped for the night in Dumkibaas Jyanire, Newalparasi district. Three of the men spent the night in the truck while the businessman went to a hotel. A sum of money belonging to one of them was locked in the truck overnight. The following morning, the money was gone. Suk Bahadur Lama and the two others were arrested by police from the Dumkibaas Iliaka police post as a result of a complaint filed by the businessman. The three men were reportedly taken to Kawasoti Iliaka police post on the afternoon of 4 August 1999, where they affirmed their innocence and requested the inspector to find out who was responsible. The inspector reportedly then accused Suk Bahadur Lama of

having stolen the money. According to the information received by the Special Rapporteur, Suk Bahadur Lama was taken to the Kali Gandaki hospital on 15 August 1999 with wounds on the soles of his feet, said to be the result of burns and beatings. He was also allegedly badly bruised all over his body. Suk Bahadur Lama was reportedly subsequently admitted to Bir hospital. According to the medical report issued by the hospital, Suk Bahadur Lama was admitted with pains in the abdomen, bleeding and bruises on his legs and feet. He reportedly died 12 hours later.

Communications received

338. By letter dated 28 January 1999 the Government responded to the Special Rapporteur's communication dated 8 October 1998. According to the Government, Tibetans had been entering Nepal from China. In that connection, in September 1998 the police brought the group in question to the Ilaka local police office of Katari. As they were being interrogated, the group attacked the police personnel with knives and the police personnel were forced to open fire in self-defence.

339. By letter dated 14 December the Government informed the Special Rapporteur concerning the death of Suk Bahadur that as it became evident in the course of the preliminary investigation that he had been mistreated while in custody, some police personnel, including the Police Inspector involved, were suspended immediately. On 16 August a three-member investigation committee under the coordination of the Ministry of Home Affairs was constituted. According to the report submitted by the committee, departmental action had been initiated against the police personnel involved in the heavy-handed treatment. The family of the deceased had been provided financial assistance on behalf of His Majesty's Government.

Nicaragua

Communications sent

340. The Special Rapporteur transmitted one allegation of violation of the right to life to the Government of Nicaragua on behalf of Wilmer Antonio González Rojas who reportedly died in the prison of Tipitapa on 17 August 1999 after being transferred to a high security cell despite the objections of the prison's doctor.

Communications received

341. No reply from the Government has been received so far.

Pakistan

342. The Special Rapporteur is deeply concerned that during the period under review, killings continued to be committed by the police and members of armed groups, who are allegedly acting with the support and protection of the Government. Law enforcement officials, security forces, paramilitary rangers, intelligence agencies and police officers have all been accused of committing extrajudicial executions. The Special Rapporteur notes that this year senators have received public death threats owing to their opposition to various bills.

343. Allegations were also received concerning so-called "honour crimes". A growing number of extrajudicial, summary or arbitrary executions of women have allegedly been committed in Pakistan during the period under review. Women in Pakistan continued to be victims of criminal violence.

Urgent appeals

344. On 12 January the Special Rapporteur transmitted an urgent appeal to the Government of Pakistan after being informed of the following death sentences. It was reported that around 10 civilians who had been sentenced to death for various offences by military courts in Karachi during the month of December were awaiting execution pending a decision by the Supreme Court of Pakistan. It was further reported that two men were executed on 31 December 1998 and 5 January 1999, respectively, within days of their convictions after their appeals had been rejected. These executions were apparently carried out despite the fact that petitions challenging the constitutionality of the military tribunals that convicted them were still pending before the Sindh High Court and the Supreme Court of Pakistan.

345. The Special Rapporteur noted that the presidential ordinance of November 1998 allowed for the establishment of military tribunals, which are authorized to try civilians suspected of specified serious crimes within three days of their arrest. The Special Rapporteur added that it appeared that those convicted had had only three days to appeal their sentences, and that the appeals were to be filed with a military court and not the High Court or the Supreme Court, as would be the case for persons tried in regular courts. The Special Rapporteur expressed her concern that these procedures, under which civilians were being tried in military tribunals with limited time and possibilities to prepare their defence and appeal their sentences, did not conform to international standards regarding due process and fair trial.

346. On 21 January the Special Rapporteur informed the Government of Pakistan that Fatana Gailani, an Afghan human rights activist, and her husband, Ishaq Gailani, had received a number of death threats. She had also been informed that persons claiming to represent the Taliban had issued warnings that the Gailani couple were among a dozen Afghan citizens living in Pakistan who could be targeted for assassination because of their alleged anti-Taliban activities. It was reported that the Gailani couple had received a number of threatening telephone calls at their home and had observed armed men following them. The Special Rapporteur urged the Government to take additional steps to ensure their safety.

347. On 28 September the Special Rapporteur transmitted an urgent appeal to the Government concerning members of the Senate belonging to the opposition parties who were publically threatened with death by an Islamist group because of their opposition to the passage of the Fifteenth Amendment Bill to the Constitution of the Islamic Republic of Pakistan. According to reports received, on 16 September 1999 the leader of the opposition in the Senate brought this public threat to the attention of the Government on the floor of the House. It was reported that the leader of the House did not denounce the threats, upon which some Senators boycotted Senate proceedings. The following day the threats were reportedly repeated publicly and with greater force. It is alleged that the threats are being instigated by the Government or at least tolerated by it.

Communications sent

348. During the period under consideration the Special Rapporteur sent 16 allegations to the Government of Pakistan of violations of the right to life.

349. On 6 January 1999, according to reports, a girl called Ghazala was allegedly set on fire and burned to death, reportedly by her brother, in Koharabad, Punjab province, because her family suspected her of having an illicit relationship with a neighbour. It has been reported that her burned and naked body lay unattended in the street for two hours.

350. On 20 January 1999, Sahib Khatoon, a 60-year-old woman, was allegedly killed by the police of Matiari. It has been reported that Matiari police raided many houses and beat up residents while looking for an absconder.

351. On 21 January 1999, Firoz Husain was allegedly detained on suspicion of involvement in a murder. He reportedly died while in custody at the Baharana police station, allegedly as a consequence of torture.

352. On 28 January 1999, Imran Danish died in a hospital in Karachi after having been in police custody. According to reports, torture allegedly caused kidney failure.

353. On 29 January 1999, Abdullah Umrani died in hospital allegedly after being tortured while in police custody. He had been arrested on 13 January 1999 by the police of Dhamrah.

354. On 31 January 1999, Iftikhar Ahmad died, according to reports, after having been tortured by a police officer. It has been reported that the police officer, Khushi Mohammad had allegedly arrested him at his house in Jaranwala, Faisalabad district. According to the information received, the head of Iftikar Ahmad was severed from the body and thrown into a dry well while the body was thrown in a field.

355. On 3 February 1999, Nazar Husain died in police custody in Serai Sidhu, Khanewal district, allegedly as a result of torture at the police lock-up.

356. On 8 February 1999, Mohammad Nazeer allegedly died at the police lock-up in Bhera. It has been reported that he had been arrested three days before his death.

357. On 8 February 1999, Jamil Ahmad allegedly died in hospital as a result of ill-treatment while in police custody.

358. On 18 February 1999, Mohammad Nabi was in judicial lock-up in Swabi. It has been reported that his brothers had secured an order for his release on bail but the police reportedly refused to accept the order. According to the information received, Mohammad Nabi was killed by a constable.

359. On 22 February 1999, according to reports, Thair Prince was killed by the police in Lahore. According to the police he died in an armed encounter. However, it has been reported that he had been arrested and shot dead while in police custody.

360. On 25 February 1999, according to reports, Gul Mohammad allegedly died in custody after having been tortured by the police. It has been reported that he had been arrested by the local police in Karachi on 20 February 1999.

361. According to reports, Jamilla, a mentally handicapped 16-year-old girl was allegedly shot dead in March 1999 after having told members of her tribe that she had been raped. The tribal council of elders decided she had to be killed. According to the information received, the authorities took no action against the killer or those who instigated the crime.

362. Samia Sarwar was shot dead in her lawyer's office in Lahore on 6 April 1999. Her mother was believed to be behind the killing. According to reports, after 10 years of domestic violence and abuse, Samia Sarwar had decided to seek a divorce. This action was perceived as shameful by her parents, to the extent that they reportedly instigated her murder. It has been reported that the police rarely prosecute the killers in such circumstances.

363. On 8 April 1999, advocate Izharul Haq and his wife Shabana Haq, a lecturer at the local women's college, were shot dead at their residence in Naqashband colony, Multan. Police have failed to arrest the killers.

364. On 17 July 1999, according to reports, Aazam Chaddarh, a retired Pakistani Army major was shot dead by armed assailants while travelling in a jeep in the district Bhalia in the Punjab Province.

Communications received

365. By letter dated 16 March 1999, the Government referred to the urgent appeal transmitted by the Special Rapporteur on 21 January 1999. The Government informed the Special Rapporteur that Pakistan had hosted the largest concentration of refugees anywhere in the world for several decades since they were driven out of Afghanistan. According to the Government, such a large presence places a great burden and responsibility on its human and national resources. The Government stated that the competent authorities had been instructed to provide Ms. Galiani and her husband additional security.

366. Concerning the urgent appeal transmitted on 12 January regarding death sentences by military courts, the Government informed the Special Rapporteur that these courts were established to respond to the extra-ordinary situation created by terrorists in Karachi and other affected parts of the country. The establishment of these courts had been challenged in the Supreme Court, which had declared them unconstitutional and set aside their judgements.

Peru

Urgent appeals

367. The Special Rapporteur transmitted two urgent appeals to the Government during the period under review. On 16 April, the Special Rapporteur wrote to the Government expressing her concern over reports that Lola Flores, a member of the Comité de Derechos Humanos (Human Rights Committee) of Moyobamba and her husband, Esteban Rios, were receiving death

threats. On 13 March Esteban Rios was approached by two men in balaclavas who questioned him about his wife's human rights work and beat him over the head with a stick. When he tried to defend himself they shot him twice.

368. On 11 October the Special Rapporteur transmitted an urgent appeal jointly with the Special Rapporteur on the right to freedom of opinion and expression concerning death threats received by Juan Sausa Seclen, a newspaper and radio correspondent who had allegedly received a phone call warning him to stop criticizing the National Intelligence Service.

Communications received

369. On 21 January and 10 June respectively the Government of Peru transmitted to the Special Rapporteur a list of people who were accused under the antiterrorist law and who had been released after being granted clemency. The following people were granted clemency on 25 December 1995 and 19 April 1999: Juan Angel Rivadeneyra Alvarado, Maria Isabel Ramirez Ledesma, Lino Panduro Rengifo, Isidro Landeo Palomino, Javier Vicente Alarcón Aguirre, José Luis Gutiérrez Vivanco, Alfredo Fidel Quispe de la Cruz, Teofilo Romero Daza, José Luis Lunasco Gutiérrez and César Augusto Sernaque Sánchez.

Philippines

370. The Special Rapporteur transmitted seven urgent appeals concerning several persons who were facing imminent execution and one allegation of violation of the right to life to the Government during the period under review.

371. Concerning the cases of capital punishment, the Special Rapporteur issued a press release on 23 August welcoming the Government's decision to suspend executions and to expand a committee reviewing death sentences. About 1,200 people had been sentenced to death under a law that restored the death penalty for "heinous" crimes in 1994. The first execution in the Philippines in 23 years was carried out in February, and four other people were put to death until the suspension announced in August.

Urgent appeals

372. The Special Rapporteur transmitted on 30 November 1998 an urgent appeal on behalf of Leo Echegaray. The Special Rapporteur noted that the Supreme Court had lifted the stay of execution of Mr. Echegaray following the 19 January 1999 decision of the Congress not to debate the question of the death penalty at that time. She had also been informed that lawyers representing Mr. Echegaray were filing a motion asking the Supreme Court to reconsider its decision. The Special Rapporteur urged the Government to review the case, and drew the attention of the Government to Commission on Human Rights resolution 1998/8 in which the Commission called upon all States that still retain the death penalty to progressively restrict the number of crimes for which the death penalty may be imposed and to establish a moratorium on executions, with a view to completely abolishing the death penalty. While acknowledging the serious charges against Mr. Echegaray, and without implying any conclusion as to the facts of the case concerned, the Special Rapporteur recalled that Mr. Echegaray's execution would be the first in the Philippines for 23 years, and the first since capital punishment was reintroduced in

1993. Moreover, his execution, should it be carried out, would make the Philippines the first country in the world to resume executions after having reintroduced the death penalty.

373. On 25 March the Special Rapporteur transmitted an urgent appeal on behalf of Dante Piandiong, Jesus Morallos and Archie Bulan who were sentenced to death in November 1994 for the killing of a police officer during an attempted robbery in Manila. The Special Rapporteur had been informed that in February 1997 the Supreme Court confirmed their death sentences, and that a lower court had ordered their executions to be carried out on 7 April 1999. The Special Rapporteur had also been informed that all three defendants had been tortured under police interrogation in order to extract confessions. It was reported that during their trial the defendants testified to having been tortured, but that the trial judge only mentioned these statements in passing when handing down their death sentences. It was further alleged that the Supreme Court made no reference to the alleged torture when reviewing the sentences. The Special Rapporteur called on the Government to initiate prompt and impartial investigations into these allegations, and to order a stay of execution pending the outcome of these inquiries.

374. The Special Rapporteur transmitted several urgent appeals concerning the death sentence received by Pablito Andan. On 27 May the Special Rapporteur jointly with the Special Rapporteur on the question of torture transmitted the first urgent appeal concerning this case. On 19 October the Special Rapporteur transmitted an urgent appeal after having been informed that Pablito Andan was scheduled to be executed at any time once his stay of execution expired on 25 October 1999, after President Estrada rejected his appeal for clemency. According to reports, Pablito Andan was sentenced to death for rape and murder in August 1994. He reportedly testified at his trial that he had been tortured during interrogation to force him to confess to the crime. The Special Rapporteurs urged the Government to open a prompt and impartial investigation into these allegations, as required by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the Philippines is a party.

375. On 12 August the Special Rapporteur transmitted an urgent appeal concerning Jurry Andal, Ricardo Andal and Edwin Mendoza, convicted in 1994 of the rape and murder of a 22-year-old teacher, who were scheduled for execution on 16 August 1999 when the 60-day reprieve granted by President Estrada expired. According to the information received the reprieve was granted in order to allow DNA tests, requested by lawyers of the Free Legal Assistance Group, to be done to determine the men's guilt or innocence. Forensic scientists from the National Bureau of Investigation and the University of the Philippines Natural Sciences Research Institute, who were to carry out the tests, are reported to have submitted their report to the authorities. The report, however, had not been made available to the lawyers acting on behalf of the three men. The Special Rapporteur had also been informed that DNA samples had not yet been taken from the convicted men for comparative testing to take place.

376. On 17 August the Special Rapporteur drew the urgent attention of the Government to the information she had received concerning Romeo Gallo who was reportedly convicted and sentenced to death for the rape of his 13-year-old daughter in 1994. Romeo Gallo was scheduled for execution on 18 August 1999. It was reported that lawyers from the Free Legal Assistance Group have filed a petition with the Supreme Court for a temporary restraining order to delay the execution on the basis that the President was away from the Philippines at the moment and was allegedly therefore not available to receive appeals or to grant clemency.

377. On 29 September the Special Rapporteur transmitted an urgent appeal on behalf of Josefina Esparas who was reportedly convicted and sentenced to death for drug-trafficking despite being absent from court.

Communications sent

378. The Special Rapporteur transmitted an allegation on behalf of Hermelo Falcatan. It was reported that on 26 April 1999, three armed men in military uniform and seven other men in uniform including three with covered faces reportedly arrived at Hermelo Falcatan's home and demanded that he and his son hand over their firearms. It was reported that both of them denied having firearms. At that moment a soldier allegedly hit Hermelo Falcatan from behind and then reportedly fired his automatic rifle into his back. Hermelo Falcatan reportedly died later in the Zamboanga medical centre.

Communications received

379. By letter dated 12 January the Government informed the Special Rapporteur about the Leo Echegaray case. With respect to alleged irregularities and an incompetent defence, the Government emphasized that Leo Echegaray had been assisted by competent lawyers from the Free Legal Assistance Group since the start of the proceedings. The death penalty was first handed down by the lower trial court, the Quezon City Regional Trial Court. Under Philippine law, capital punishment sentences handed down by the lower courts are subject to automatic review by the Supreme Court, which subjects the case to exhaustive and impartial examination. It took the Supreme Court almost three years to review the case and confirm the sentence. Moreover, the Supreme Court reviewed not only the case itself but also the constitutionality of the death penalty law and the method of execution.

380. By letter dated 19 January, the Government referred to a joint urgent appeal transmitted last year by the Special Rapporteur and the Special Rapporteur on the independence of judges and lawyers concerning the death threats received by the Attorney Jose Manuel Diokno. The Government reported that to date no formal report or complaint on the alleged death threats had been received by the police authorities. In the absence of such a complaint, no meaningful investigation by police authorities could be conducted. Nevertheless, the Philippine Commission on Human Rights took the initiative to look into the case and was informed by Jose Manuel Diokno that security escorts had been offered by the Government but that he refused the offer as he felt safer without them.

Observations

381. The Special Rapporteur is concerned that despite the international trend towards abolition of the death penalty, the Philippines has resumed executions during the period under review. The Special Rapporteur regrets that the step taken by President Estrada in August was not followed by a permanent end to executions in the country.

Republic of Korea

Communications received

382. The Special Rapporteur received a communication from the Government concerning the case of Bong-Hae Yi who reportedly died in custody on 9 December 1997. According to the Government, at the time of his arrest Bong-Hae Yi, a psychologically disturbed person, was in fragile health. It confirmed that the autopsy report established sudden cardiac arrest as the cause of death, but denied that there had been internal bleeding; on the contrary, there was evidence of hypodermal bleeding due to external lacerations, which were probably self-inflicted. There was no evidence to support allegations that he had been beaten or ill-treated by fellow inmates or prison guards. After a series of investigations, in particular by the Public Prosecutor's Office, the allegations that his right to life had been violated had been found to be unjustified.

Russian Federation

383. The Special Rapporteur transmitted to the Government one urgent appeal concerning the situation in Chechnya and one allegation of violation of the right to life.

384. The Special Rapporteur issued a press release in December concerning the situation in Chechnya. She expressed her deep concern over the ultimatum by the Russian Federation authorities to the people of Grozny to leave the city by 11 December or face intensified attacks. Noting that Russian aeroplanes had dropped leaflets on Grozny informing civilians of a humanitarian corridor out of the city, the Special Rapporteur said that it was her understanding that earlier attempts to warn civilians in advance of attacks or to establish safe exit routes had not been effective.

Urgent appeals

385. On 7 December the Special Rapporteur sent an urgent appeal to the Government regarding the situation of civilians in Grozny. The Special Rapporteur urged the Government to make every effort to ensure that civilians were made aware of safe corridors leading out of Grozny, and also to protect and secure these routes in order to allow civilians to leave safely. In order for people to reach these safe corridors, she urged the Government to cease all attacks on Grozny immediately.

Communications sent

386. According to the information received by the Special Rapporteur, Larisa Yudina, a journalist and editor of the newspaper Sovetskaya Kalmykia, was found dead near the city of Elista with a fractured skull and multiple stab wounds. It was reported that she had been repeatedly warned to stop her critical reporting on the activities of politicians whom she had accused of corruption.

Observations

387. In her last report to the Commission the Special Rapporteur welcomed the decision by the Russian Federation to abolish the death penalty by April 1999, in accordance with the country's obligations as a member of the Council of Europe. The Russian Federation became a member of the Council of Europe on 28 February 1996. The Special Rapporteur was informed on 3 June that, acting on the recommendation of the Chairman of the Presidential Clemency Commission, Anatoly Pristavkin, Russian Federation President Boris Yeltsin commuted all 716 death sentences outstanding before the Commission. Following a ruling of the Constitutional Court in February, no further death sentences can be imposed until the constitutional requirement for trial by jury in capital cases can be met in all 89 regions of the Federation. The Special Rapporteur welcomed the decision and urged the Government to totally eliminate the death penalty from the criminal code.

Rwanda

388. The Special Rapporteur transmitted one allegation of violation of the right to life to the Government. The Special Rapporteur remains concerned by the information received on massacres of refugees and civilians in some parts of the country. The Special Rapporteur regrets the lack of information from the Government on the past allegations of violation of the right to life. She has received no communications from the Government of Rwanda in the past three years.

389. According to information received by the Special Rapporteur on 6 August, Epiphanie and Suzanne Uwitakiye were reportedly seized by a group of people as they tried to reclaim their houses, which had allegedly been occupied. According to the source, both women were beaten, Epiphanie reportedly particularly badly, and taken to the bureau de secteur (local government office) at Nyamirambo. The conseiller de secteur (local government official) intervened to protect the women and contacted the police. The group, which allegedly included a police official and a civilian official responsible for local security, then went to the workplaces of Felicien Gasana and Blaise Barankoreho and seized the two men, who were reportedly taken to the bureau de secteur at Nyamirambo, where their wives were also being held. Felicien Gasana was reportedly beaten along the way and was seen limping. Blaise Barankoreho was beaten at the time he was seized. Felicien Gasana died at Kigali Hospital, allegedly as a result of the brutality he suffered in the local government office. In view of the allegations mentioned above, fears were expressed for the lives and physical integrity of Epiphanie and Suzanne Uwitakiye and Blaise Barankoreho.

Saudi Arabia

390. The Special Rapporteur is very concerned by the fact that more than 100 persons have been executed in the country. The Special Rapporteur notes that the use of the death penalty in Saudi Arabia is in direct contradiction to world trends towards the abolition of capital punishment. Saudi Arabia must take immediate steps to curb this systematic State killing. The Special Rapporteur has been informed that most defendants are not given the right to defend themselves or an adequate opportunity to appeal against the sentences handed down to them

391. The Special Rapporteur transmitted two allegations to the Government during the period under review on behalf of the following persons.

Communications sent

392. The Special Rapporteur was informed that Mohamed Al-Hayek died while in custody at the Generne Security headquarters in Damman in June 1998. He had reportedly been arrested in 1996.

393. The Special Rapporteur was informed in February 1999 that Ahmad Bin Ahmad Al-Mubalbil was reported to have died while in the custody of members of the Hay'at al-amr il ma'ruf wa nahi an al-muncar, (Committee for the Propagation of Virtue and Prevention of Vice - CPVPV). It has been reported that he was arrested in the middle of November 1998 in his village by members of CPVPV and taken to an unknown location. According to reports, on 20 November his relatives were requested by members of CPVPV to collect his body from one of their detention centres.

Communications received

394. No reply has been received from the Government so far.

Senegal

395. In her last report to the Commission the Special Rapporteur expressed her concern over the human rights situation in the Casamance region, and the conflict between Senegalese security forces and the mouvement des forces démocratique de Casamance MFDC (E/CN.4/1999/39/Add.1, para. 214).

Communications received

396. By letter dated 12 May, the Government transmitted to the Special Rapporteur its views concerning the alleged arbitrary executions of Alphonse Diatta and Sarani Badian, reportedly committed by military forces in the Casamance region. According to the Government, the allegations came from unreliable sources. The Government informed the Special Rapporteur that her communication had been immediately transmitted to the Comite interministériel des droits de l'homme et du droit international humanitaire which, after investigating, had determined that the allegations were not correct. According to the Government, the extrajudicial killings had been committed by individuals belonging to MFDC. The Government stressed that the armed forces were receiving a strict education in human rights.

Observations

397. The Special Rapporteur welcomes the information received on the education in human rights issues being given to the armed forces of Senegal and urges the Government to continue with these efforts.

Sierra Leone

Communications sent

398. The Special Rapporteur transmitted one allegation of violation of the right to life to the Government of Sierra Leone after having been informed that 24 soldiers were executed by a firing squad, allegedly under the command of the Ceasefire Monitoring Group (ECOMOG) of the Economic Community of West African States (ECOWAS) on 19 October 1998.

Observations

399. The Special Rapporteur regrets that at the time of finalization of this report, the Government had not replied to her communications.

South Africa

Urgent appeals

400. The Special Rapporteur transmitted one urgent appeal jointly with the Special Rapporteur on the independence of judges and lawyers to the Government during the period under review. On 31 March both Special Rapporteurs were informed that the advocate Jenny Wild had been subjected to death threats following an incident in the evening of 7 March when armed men surrounded her home in Durban. The Special Rapporteurs expressed their concern about the security of Jenny Wild.

Observations

401. The Special Rapporteur regrets that the Government has not replied to her communication.

Sri Lanka

402. The Special Rapporteur transmitted one urgent appeal and nine communications to the Government concerning violations of the right to live of the following persons.

Urgent appeal

403. On 15 June the Special Rapporteur transmitted to the Government an urgent appeal after having been informed that former Sri Lankan army lance corporal Somaratne Rajapakse and his family had received death threats in the form of letters addressed to Mr. Rajapakse's wife. Mr. Rajapakse had been summoned by the magistrate in charge of forthcoming exhumations in the Chemmani area of Jaffna to indicate locations of alleged mass graves. There were reportedly also concerns for the safety of four other members of the security services, currently held at Colombo prison, and their families after they reportedly corroborated Mr. Rajapakse's evidence about the graves. Mr. Rajapakse was reportedly being held in Bogambara prison, in Kandy, awaiting the outcome of an appeal against a death sentence imposed by the High Court in Colombo in July 1998. The Court had found the five men guilty of the rape, abduction and

murder of 18-year-old Krishanthy Kumarasamy and the murder of her mother, younger brother and neighbour in 1996. During the trial Mr. Rajapakse reportedly told the Court that hundreds of other bodies had been buried at the same site as those of the above-mentioned persons. In view of these allegations, the Special Rapporteur appealed to the Government to take the necessary steps to ensure the safety and integrity of the above mentioned persons.

Communications sent

404. The Special Rapporteur transmitted to the Government communications on behalf of the following persons.

405. Sathasivam Sanjeevan was arrested by the police at Paandiruppu, Amparai district, on 3 October 1998. It was reported that when his relatives visited him at the Kalmunai police station on 14 and 15 October, they noted that he could not lift his arms and that he had difficulty swallowing. On 16 October the police informed his relatives that he had been killed in an armed confrontation with the Liberation Tigers of Tamil Eelam (LTTE) while being taken to Amparai by the police.

406. Santhini Thangarasa and her sister Bavani Thangarasa were reportedly killed on 21 November 1998 at the village of Murippu in Mullaitivu when their house was destroyed in an air strike allegedly carried out by Sri Lankan airforce bombers. Two young boys, Muhunthan and Gegan, also died in the incident and five other persons were wounded.

407. Sevethi Joseph, Mohanraj Kavitha and Nagendran were killed on 23 November 1998 at Koddaikattiyakulam in Killinochchi in an air strike allegedly carried out by Sri Lankan airforce bombers. Ten other civilians were also wounded in this incident and admitted to hospitals in Mallavi and Akkarayankulam.

408. Velupillai Sellathurai, Visuvalingam Yogarani, Yogachandran Mallikadevi, Kalanathan Thanusha, Rasalingam Suthas and Siva were reportedly killed on 2 December 1998 at the fishing village of Nallathanithoduva-Chundikulam in the east of Vadamaradchi as a result of a bombing allegedly carried out by Sri Lankan airforce Kfir jets. Several others were also reportedly wounded in this incident.

409. Sambasivam Arudchelvan and Rasu Letchumi were killed on 13 November 1998 at Vanni as a result of a bombing allegedly carried out by Sri Lankan airforce Kfir jets.

410. According to reports, Muhunthan Balchandron was killed on 21 November 1998 at the village of Murippu in Mullaitivu after an air strike allegedly carried out by Sri Lankan airforce Kfir bombers.

411. Gnaneswary Muthie was reportedly killed on 21 November 1998 at the village of Murippu in Mullaitivu after an air strike allegedly carried out by Sri Lankan airforce Kfir bombers.

412. Arulselvan Ramalingam was reportedly killed on 14 November 1998 at Kokkavil after an air strike allegedly carried out by Sri Lankan airforce Kfir bombers. He was on his way to Mallavi for business when he got caught in the reported air raid.

413. Anura Sampath was allegedly taken to the Moratuwa police station on 30 December in order to make a statement. His brother reportedly visited him the same day and Anura Sampath told him that he was being ill-treated by the police. The following day, Anura Sampath allegedly had disappeared from the police station and the officer in charge later told Anura Sampath's family that he was dead, providing them with accurate information about the whereabouts of Anura Sampath's corpse which the family found in Kalubovilla hospital.

Observations

414. The Special Rapporteur regrets that the Government has not replied to her communications.

Sudan

415. The Special Rapporteur transmitted two urgent appeals and two allegations of the violation of the right to life to the Government of Sudan during the period under review.

Urgent appeals

416. On 28 April the Special Rapporteur jointly with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the question of torture transmitted an urgent appeal to the Government of the Sudan concerning 26 individuals who were detained under unclear circumstances. They were reportedly arrested in connection with bomb explosions in several civilian installations near Khartoum on 30 June 1998. According to the source they had been held in incommunicado detention since their arrest in a military detention facility near Khartoum. They had reportedly been subjected to ill-treatment and torture during the interrogation. The Special Rapporteurs appealed to the Government to take all necessary measures to ensure that their right to physical and mental integrity was protected.

417. On 10 June the Special Rapporteur jointly with the Special Rapporteur on the question of torture transmitted an urgent appeal concerning Adam abd al-Rahman Hussain, Mohamed Issa Tiato, Mohamed Hamed Ahmed, Fadul Adam abd al-Rahman, Abd Allah Rabih Fadul, Siddieg Suliman Abakar, Mohamed Ibrahim abd Allah, Mohamed Abakar Shigaifat and Ali abd al-Rahman Idris who were reportedly sentenced to cross amputation, i.e. of the right hand and left foot, and death by hanging, after which their bodies would be nailed to wooden crosses for public display. The sentence was said to be in accordance with Sudan's Penal Code, based upon the Government's interpretation of Shari'a law. The men, reportedly convicted of bank robbery, and while in detention had allegedly been deprived of food and sleep, forced to do strenuous exercise in the heat and had cold water thrown over them in winter. The Special Rapporteurs appealed to the Government to seek clarification of the circumstances with a view to ensuring that the detainees' right to physical and mental integrity and to life was protected.

Communications sent

418. The Special Rapporteur was informed that Mohamed Adbelsalam Babiker, a student at Khartoum university, and two of his fellow-students were arrested during a student demonstration on 3 August 1998. While the other two students reportedly were released the following day, Mohamed Adbelsalam Babiker remained in custody. His death was announced officially at 1 p.m. It has been reported that an autopsy indicated that Mohamed Adbelsalam Babiker died of a brain haemorrhage which occurred as a result of repeated beating on the head with sharp instruments.

419. The Special Rapporteur has been informed that Ismail Edaam Ibrahim Abdu, Ahmed Tia, Maylik Chol Bilkuei and John Gatkoy were taken into custody in February 1999 when they strayed into territory controlled by the Sudan People's Liberation Army (SPLA) not far from southern oil fields being exploited by the Government and by Chinese, Malaysian and Canadian companies. According to reports, SPLA announced that all four had died on 31 March, in the cross fire as a result of a failed rescue attempt by government forces.

Communications received

420. By letter dated 5 May the Government replied to the Special Rapporteur's urgent appeal dated 28 April concerning Father Lino Sebit and Father Hilary Boma who were arrested and charged with the bombings in Khartoum on 30 June 1998 that targeted vital civilian installations including electric power stations and a theatre. Testimonies had revealed that both men were supervising and financing the plot; they were therefore charged under sections 50 and 51 of the Criminal Law Act 1991 and were being tried before a military court under the Armed Forces Act 1986. Hence, they were arrested in accordance with the law. The suspects had been treated according to the law which guarantees their right to physical integrity and not to be subjected to inhuman or other form of degrading treatment. The Government reported that the accused had been given due access to legal counsel of their own choice and they also had access to adequate medical care.

Tajikistan

421. The Special Rapporteur transmitted one urgent appeal to the Government concerning Asadullo Allayevich Shomatov, a former police colonel who at the time of his arrest (September 1997) was First Deputy in the Department of the Interior in Dushanbe. According to the information received by the Special Rapporteur, he was convicted and sentenced to death on 7 May 1999 for "organizing a criminal group with the aim of transporting and selling narcotics". His appeal against the death sentence was reportedly rejected on 4 July 1999 by the Supreme Court. It was alleged that his trial was not fair. According to the source, insufficient evidence was presented to convict him, evidence that would have exonerated him was not considered, and the judges and witnesses were intimidated.

Observations

422. The Special Rapporteur regrets that the Government has not replied to her communication.

Thailand

Communications

423. The Special Rapporteur was informed that on 19 June 1997, U Win Htwe, a seaman from Pa'an, Karen State, Myanmar, was reportedly beaten to death by a Thai policeman. U Win Htwe was reportedly in his room with some friends, migrant workers from Myanmar, when local police officials arrived in the vicinity. Fearing arrest for illegal immigration, they fled. According to an eyewitness, U Win Htwe was followed by a policeman and beaten to death. Afterwards, police allegedly placed his dead body in a local stream and claimed that he had drowned. Another witness, who later saw his body in the hospital morgue, stated that the body showed signs of cuts and bruising.

424. The Special Rappporteur was informed on 15 March 1998 that Nyan Lin and two other refugees returned to their camp after the 6 p.m. curfew established by the authorities. They tried to enter the camp at 6.30 p.m. after finishing work outside, when a group of Thai security forces allegedly approached them. Two of them escaped. Nyan Lin hid in the bushes, but was discovered by the security forces and beaten with their rifle buts. This incident was allegedly reported to the camp leader, who found Nyan Lin unable to walk or talk. It has been reported that Nyan Lin was then carried back to the camp on a stretcher, and eventually taken to the local hospital where he was pronounced dead.

Observations

425. The Special Rapporteur regrets that the Government has not responed to her communication.

Trinidad and Tobago

426. The Special Rapporteur transmitted two urgent appeals to the Government of Trinidad and Tobago during the period under review.

Urgent appeals

427. On 27 January the Special Rapporteur wrote to the Government referring to her previous urgent letter dated 29 September 1998 regarding the case of Ms. Indravani Pamela Ramjattan, who was reportedly sentenced to death in May 1995 for the killing of her common-law husband Alexander Jordan in February 1991. According to information received, Ms. Ramjattan was physically abused and ill-treated by Mr. Jordan. This reportedly included beatings, threats to her life and rape on repeated occasions. It is further alleged that Mr. Jordan often starved and beat their children. The Special Rapporteur noted that medical experts had concluded that Ms. Ramjattan was likely to have suffered from a number of mental symptoms as a result of this abuse, including what is usually referred to as the "Battered Woman Syndrome". In this regard the Special Rapporteur reiterated her conviction that domestic abuse of this nature had to be accepted as a mitigating circumstance. She also wished to recall earlier allegations, described at length in her letter to the Government of 29 September 1998, that Ms. Ramjattan was not given adequate legal assistance during her trial. The Special Rapporteur noted that Ms. Ramjattan's

request for leave to appeal her death sentence was to be heard by the Judicial Committee of the Privy Council in London on 3 February 1999. The Special Rapporteur transmitted to the Government her view that the above allegations clearly indicated that Ms. Ramjattan's case should be thoroughly reviewed in order to consider the reported irregularities in the legal proceedings leading to her conviction, as well as all mitigating circumstances surrounding the crime allegedly committed.

428. On 27 July the Special Rapporteur transmitted an urgent appeal concerning Anthony Briggs who was scheduled to be executed on 22 June 1999. The Special Rapporteur noted that Mr. Briggs was sentenced to death in June 1996 for the murder of Siewdath Ramkissoon in 1992, and that following unsuccessful appeals to the national courts, a petition was filed on behalf of Mr. Briggs with the Inter-American Commission on Human Rights in October 1997, claiming that his rights under the American Convention on Human Rights had been violated. It was reported that despite the fact that the Inter-American Commission was still considering his petition, the authorities of Trinidad and Tobago scheduled his execution for 4 August 1998. He was granted a stay of execution after filing a motion claiming that it would be unconstitutional to execute him while the petition was pending before the Inter-American Commission. The Special Rapporteur had further been informed that in August 1998, the Inter-American Commission decided to refer Mr. Briggs' case to the Inter-American Court of Human Rights, as it was considered that he was at risk of "irreparable damage". On 29 August 1998 the Court issued an order to the Government of Trinidad and Tobago to preserve his life. In her appeal the Special Rapporteur recalled that this order was still in force.

429. In this context, the Special Rapporteur noted that in March 1999 the Judicial Committee of the Privy Council in London, in an unrelated case, ruled that executions should be stayed until petitions to international bodies were finally disposed of and the rulings of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights had been considered by the relevant authorities. On 9 March 1999 the Inter-American Commission on Human Rights issued its decision on Mr. Briggs' petition, finding that the State had violated his right to full and free exercise of his rights under the American Convention on Human Rights. Based on its examination of the case, the Commission found that Mr. Briggs was entitled to effective remedy including commutation of his death sentence. In an order of 25 May 1999, the Inter-American Court of Human Rights decided to maintain the order to preserve Mr. Briggs' life "until such time as the Court ... issues a decision on this matter". In view of the fact that to date the Court had not issued its decision, the Special Rapporteur urged the Government to order a stay of Mr. Briggs' execution with a view to commuting his death sentence.

Observations

430. The Special Rapporteur regrets that at the time of the finalization of this report the Government had not replied to her communications. The Special Rapporteur learnt with sadness that on 4, 5 and 7 June nine persons were hanged in Trinidad and Tobago. They were the first people to be executed in that country since 1994. The executions proceeded despite appeals from the international community to commute the death sentences.

Tunisia

431. The Special Rapporteur was informed of an allegation of the violation of the right to life during the period under review.

Communications

432. The Special Rapporteur was informed that Tijani Dridi, a former political prisoner, had disappeared on his way to the national criminal police station in Ariana, to which he was due to report on a regular basis. The same police unit allegedly told his wife that it had no information about her husband. She was later informed that he had died on the Ariana road on 7 August 1998.

433. The source claims that the police made Tijani Dridi's wife sign a statement saying that she knew nothing about her husband's death and that no public inquiry was conducted to establish the causes or circumstances of Tijani Dridi's death.

Communications received

434. No reply from the Government has been received so far.

Turkey

435. The Special Rapporteur transmitted six urgent appeals and one allegation to the Government of Turkey during the period under review.

Urgent appeals

436. On 23 February the Special Rapporteur transmitted an urgent appeal jointly with the Special Rapporteur on the independence of judges and lawyers to the Government concerning the detention of eight lawyers from the local headquarters of the People's Democracy Party (HADEP) in Diyarbakisr relating to the case of Abdullah Ocalan. The Special Rapporteur was informed that many people were arrested at HADEP offices throughout the country following the demonstrations for independent monitoring of Abdullah Ocalan's trial.

437. On 26 February the Special Rapporteur transmitted an urgent appeal after having been informed that officials and members of the Turkish Human Rights Association (HRA) had received death threats, apparently because of their statements calling for a fair trial for Mr. Ocalan. HRA branches throughout the country allegedly received a number of threatening phonecalls, some of which were reportedly made in the name of the so-called Turkish Revenge Brigade. The Special Rapporteur was informed that the following persons had particularly been exposed to such threats. Osman Baydemir, President of the Diyarbakr HRA branch, Günay Keles, member of the Ankara HRA branch, Eren Keskin, President of the Istanbul HRA branch, and the following members of the Istanbul HRA branch. Saban Dayanan, Gulay Kazak, Kadriye Doru and Doan Genc. In view of these allegations the Special Rapporteur called upon the Government to take all necessary steps to ensure the physical safety of persons associated with the Turkish Human Rights Association.

438. On 4 March the Special Rapporteur transmitted a joint urgent appeal to the Government concerning Ahmet Zeki Okuoglu and Hatice Korkut, Abdullah Ocalan's lawyers, who were allegedly being persecuted. Both lawyers were reportedly kicked and punched as they arrived at the quayside at Mndanya to set off for the prison island. Both lawyers and their families received death threats.

439. On 8 March the Special Rapporteur transmitted an urgent appeal to the Government concerning Devrim Tas, a 22-year-old law student who was reportedly arrested on 5 March with her girlfriend and 25 other people at the BEKSAV Cultural Centre in Kadikoy by two uniformed and an estimated four plainclothes policemen. They were reportedly informed that those who had not been previously detained would be immediately released. Having a record of one day's detention for having protested against the education fees in November 1996, Devrim Taswas was not released.

440. On 30 June the Special Rapporteur transmitted her concern to the Government regarding the death sentence imposed upon Abdullah Ocalan. The Special Rapporteur expressed her concern over reports of a number of irregularities in the legal proceedings leading up to the handing down of his death sentence. She was informed that during his pre-trial detention Mr. Ocalan was held incommunicado for 10 days, and that his access to legal counsel had been severely limited. On 15 October the Special Rapporteur transmitted an urgent appeal after being informed that Mr. Ocalan's death sentence had been confirmed.

Communications sent

441. The Special Rapporteur sent an allegation to the Government concerning the violation of the right to life of Suleyman Yeter who reportedly died in custody on 7 March in a cell at the anti-terror branch of Istanbul police headquarters. On 5 March the journalist and trade unionist Suleyman Yeter and four other people were reportedly taken from their offices of the newspaper Dayanisma and allegedly put in neighbouring cells at the anti-terror branch of Istanbul police headquarters. When Suleyman Yeter was reportedly brought back from interrogation in the early hours of the following morning he allegedly said that he had been stripped naked, severely beaten, sprayed with cold water and forced to lie on ice. On 7 March Suleyman Yeter allegedly died in custody according to the information given by the Fatih state prosecutor.

Communications received

442. By letter dated 26 February and concerning Abdullah Ocalan who had been apprehended abroad and brought to Turkey on 16 February, the Government transmitted to the Special Rapporteur the text of the press conference of the Prime Minister held on 21 February on this subject. By letter dated 9 March the Government transmitted to the Special Rapporteur a Fact Sheet regarding the arrest of Abdullah Ocalan. On 22 March the Government also transmitted the following information concerning the case of Mr. Ocalan: "Abdullah Ocalan is under daily medical surveillance and he has been able to have access to his legal counsels. His medical reports are regularly transmitted to the European Committee for the Prevention of Torture, fully in accordance with Turkey's international obligations. Upon the request made by 16 lawyers to the Office of the Chief Public Prosecutor of the Istanbul State Security Court to have a meeting with the accused detainee Abdullah Ocalan as his defence counsels, the matter

was brought to the knowledge of the Public Prosecutor of the island of Imrali where Ocalan is being detained and accordingly permission was granted to lawyer Mr. Osman Baydemir. However, Mr. Baydemir could not attend the meeting on 23 February 1999 due to heavy weather conditions and to the fact that the necessary permit could not be transmitted promptly. Nevertheless, lawyers Ahmet Okçouglu and Hatice Korkut went to the island of Imrali and met the accused detainee on 25 February 1999, their security being provided. On 08 March 1999, Mr. Ahmet Zeki Okçouglu and his brother, lawyer Selim Okçouglu, lawyer Mr. Niyazi Bulgan and lawyer Mr. Niyazi Bulgan, were given a "Power of attorney" by Abdullah Ocalan. Consequently, Mr. Ahmet Zeki Okçouglu met Ocalan for a second time on 11 March 1999. The meeting lasted for 45 minutes, during which Mr. Okçouglu, [as he himself] revealed at the press conference, found Ocalan in very good health, psychologically and physically, and that he is being kept under high standards of comfort. Lawyers Selim Okçouglu, Niyazi Bulgan and Niyazi Bulgan visited Ocalan on 16 March 1999 and stayed for 4 hours. A statement made later by Mr. Ahmet Zeki Okçouglu, stated that Abdullah Ocalan gave him the power of appointing further legal representatives for his trial, thus as of today 15 lawyers will be present during the hearings."

443. By letter dated 1 July the Government transmitted to the Special Rapporteur information concerning the verdict in the case of Abdullah Ocalan. According to the Government, the legal proceedings pertaining to the case were fully in compliance with international standards. Taking into account all the transparency and due scrutiny provided during the pre-trial process and the trial itself from the very beginning, the Government was confident that it had fulfilled its obligations arising from its domestic legislation, as well as all international commitments in this respect. The report submitted to the Parliamentary Assembly of the Council of Europe by the representatives of the Council who had followed the court proceedings highlights the trial as one "carried out fairly" and describes the trial procedure as "correct and in conformity with the applicable Turkish law", thus reaffirming Turkey's compliance with its obligations and commitments. The Government further stated that such observations of the representatives of the Council of Europe were also referred to in the statement delivered by the Presidency of the European Union on 29 June 1999. A delegation representing the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited Turkey, including a visit to the prison on the island of Imrali in 2 March 1999. The Government stressed that the report of the visit, which was published with its consent, is a clear reflection of the prevailing transparent and cooperative approach. Owing to the special nature and violence of the crimes alleged to have been committed by him, Mr. Ocalan's detention period had been extended, in full compliance with the relevant Turkish legislation. He had been kept in detention for seven days (from 16 February to 22 February 1999 inclusive), and following his interrogation he was arrested on 23 February 1999, on grounds of offences stipulated under article 125 of the Turkish Penal Code. Mr. Ocalan's right to defence had been recognized and he had been represented by a team of lawyers. Full access to their client was provided to the attorneys before and during the trial.

444. By letter dated 15 December the Government referred to its letter dated 1 July and informed the Special Rapporteur that Turkey had been maintaining a de facto moratorium on executions since 1984. However, the death penalty was still retained as a lawful punishment in

the legislation, strictly for a limited range of crimes, including those of which Mr. Ocalan was accused. Nevertheless, the judicial procedure for the execution of the sentence of Mr. Ocalan had at that time not yet been exhausted.

445. On 5 April the Government transmitted a communication concerning the urgent appeal transmitted by the Special Rapporteur concerning the threats received by HRA members Osman Baydemir, Günay Keles, Eren Keskin, Saban Dayanan, Gülay Kazak, Kadriye Doru and Doan Genc. According to the Government, the persons concerned had neither lodged a complaint nor applied for further safeguards for their security to the relevant authorities.

446. On 11 May the Government informed the Special Rapporteur that the Directorate-General of Security had sent a circular to all the governors in Turkey instructing them to take all necessary measures and safeguards in order to provide security to all premises of the Turkish Human Rights Association and its branch offices, as well as to their members.

447. On 9 July 1999 the Government transmitted the following information received from the Ministry of Justice and Ministry of Interior concerning the urgent appeal transmitted by the Special Rapporteur on the detention of the lawyers of Abdullah Ocalan: "Members of the Diyarbakir Bar Association, lawyers Mr. Sinan Tanrikulu, Mr. Selim Kurbanoglu, Mr. Abdullah Akin, Mr. Mahmut Vefa, Mr. Mansur Resitoglu and trainee lawyer Mr. Ferda Pokerce, as well as lawyers Mr. Feridum Celik and Mr. Yusuf Tosun, were taken into custody on 16 February 1999 by the Directorate of Security of Diyarbakir, on grounds of protesting and demonstrating against the arrest of Abdullah Ocalan, leader of the illegal, terrorist organization PKK. All the above-mentioned lawyers were released on 22 February 1999, following their interrogation, their cases being continued. It has been established through medical reports that the above-mentioned persons were not subjected to any torture or ill-treatment during their stay in custody. It is not possible to provide concrete information upon allegations of 'large-scale detentions', however, the following is the list of the persons detained and released in the provinces which are mentioned in the letter. Diyarbakir - Celal Kendal Turhan and Songul Ertas were taken into custody on 19.02.1999 on grounds of participating in illegal demonstrations and manifestations and were released on 24.02.1999. - Elil Serif Karatekin, Ebuldekir Celebi, Vizir Persian, Hasan Esen, Celattin Birtane, HüSeyin Bayrak, Edip Binbir, Hasan Soysol and Mehmet Durmus who were detained on grounds of demonstrating in favour of Abdullah Ocalan and spreading separatist propaganda were released on 1 March 1999."

448. The Government noted that an illegal demonstration had taken place on 25 February 1999 in Batman and that 25 of the demonstrators had been arrested. As the demonstrations were inspired and organized by the HADEP political party headquarters in Batman, a search had been made of the premises of the said political party. Shooting did not take place and high security measures were taken.

449. Hidir Dogan, Bülent Yacila, Münir Gezgin, Bülent Gun, Murat Kilic and Hidir Kilictepe were arrested on 16 February 1999 as they were preparing to launch an illegal demonstration in Elazig, which would include the burning of the streets. However, following their interrogation, they were released on 17 February 1999. Yasar Okcu, Sinan Can Polat, Rahime Metin, Mustafa Bulut, Zulfinaz Coskun, Ziya Yilmaz and Suar Uzun were arrested on 2 March 1999

as they were among the organizers of the illegal demonstration against the arrest of Abdullah Ocalan. No other person than those listed had been taken into custody or arrested by the Directorate-General of Elazig.

450. Upon receiving information that the branch offices of the HADEP political party in Istanbul were preparing to launch illegal demonstrations in favour of Abdullah Ocalan, the security forces searched the premises of HADEP buildings in Istanbul and 136 persons were taken into custody on 19 February 1999. All the persons detained were released on 22 February, after having been interrogated.

451. A total of 393 persons were taken into custody in Van for having taken part in demonstrations and other illegal activities such as the use of explosives and weapons, 235 of them were immediately released, 79 of them were transferred to the courts, 43 of them were arrested and the other 36 were released. In Mardin, 161 persons were taken into custody in the aftermath of the arrest of Abdullah Ocalan, during the demonstrations in favour of the PKK in that province. Fifty-seven of these people were immediately released by the Directorate-General of Mardin and another 93 were subsequently released by the court. Eleven remained in detention and were sent to prison.

452. On 22 July 1999 the Government transmitted the following information concerning the lawyers Niyazi Bulgan and Irfan Dundar who were among the defence lawyers of Abdullah Ocalan who participated in the hearing on 30 April 1999 at the State Security Court (SSC) of Ankara, in the absence of the accused, along with the counsels and family members of the victims of the PKK-led terrorism. Extreme security measures were taken by the security forces in and around the court premises before the hearing started. From 7.30 a.m., family members of the victims (around 150-200 people) began to gather around the building. At 9.00 a.m., the first of 19 defence counsels, Mr. Ahmet Arsar, came to the Court building, and after having declared himself a "lawyer to defend Ocalan", he was subjected to aggressive comments (verbally) from the crowd of families of the victims. Thanks to the extreme security measures, he did not suffer any injury.

453. Irfan Dundar, Mukrime Tepe, Niyazi Bulgan and Derya Bakir, defence counsels who later came to the court, without asking for security measures, entered the room, sat down next to the victims' families and declared their willingness to "defend Abdullah Ocalan" which led to an upheaval among the spectators. The security forces intervened, and cautiously took the lawyers out of the courtroom for their security. At the SSC police station, the lawyers did not lodge any complaint against anyone and, except for Mukrime Tepe and Derya Bakir, left, as they did not want to participate in the hearing any longer. Ms. Tepe and Ms. Bakir were readmitted to the courtroom upon their request.

454. At the end of the hearing, a crowd of 200 people, mainly consisting of the family members of the victims, protested against PKK-led terorism. For this reason the lawyers of Abdullah Ocalan had to be kept in the SSC police station, upon their request and for the sake of their security. After the crowd left, the lawyers were taken by police van, at their request, to the Yenisehir marketplace, which is close to the Bar Association and their office. The Government pointed out that it had been established that neither Mr. Bulgan and Mr. Dundar nor any of the lawyers of the defendant were subjected to ill-treatment during the hearing or afterwards.

Furthermore, no complaint was lodged by the lawyers themselves. On the other hand, the authorities noted that a number of Abdullah Ocalan's lawyers had criminal records.

455. By letter dated 9 December the Government transmitted information relating to the case of Suleyman Yeter and Necmettin Kahraman. Suleyman Yeter died in March 1999 when he was in custody at the Anti-Terror Branch of Istanbul Police Headquarters. An indictment by the State Prosecutor of Faith had been issued against the 16 police officers who were on duty in the anti-terror branch at the time of Mr. Yeter's death. The Government stated that the Deputy Director-General of the Police and other high-level officers were among the 16 indicted. The indictment calls for 15 years of imprisonment for them if found guilty. The indictment confirms that Suleyman Yeter was among a group of people detained by the police on the grounds of being members of illegal organizations. He allegedly died in custody due to torture and ill-treatment, as confirmed in the forensic report. With regard to the case of Necmettin Kahraman, it was established that in reality the person killed had been his brother, Ramazan Kahraman, who was seriously injured by firearms during the demonstrations held in Kiziltepe on 19 February against the capture of Abdullah Ocalan. The Government reported that he died in hospital where he had been brought by two persons. The Government noted that this case was still pending.

Observations

456. The Special Rapporteur is grateful to the Government of Turkey for its numerous replies to her communications, especially those concerning the case of Abdulah Ocalan. The Special Rapporteur also welcomes the de facto moratorium on executions maintained in Turkey since 1984. The Special Rapporteur encourages the Government of Turkey to make renewed efforts towards the complete abolition of capital punishment.

Uganda

Urgent appeals

457. The Special Rapporteur transmitted one urgent appeal to the Government of Uganda on 29 April concerning 28 persons who were facing execution between 28 and 30 April. The Special Rapporteur was concerned by the fact that these executions, should they be carried out, would be the first in Uganda since 1996.

458. The Special Rapporteur, having been informed that the Advisory Committee on the Prerogative of Mercy had confirmed the death sentences after the prisoners lost their appeals in the Supreme Court, urged the Government to grant clemency and commute these sentences with a view to introducing a permanent moratorium on executions in the country.

Observations

459. The Special Rapporteur regrets that the Government has not replied to her communication.

United States of America

460. According to information received, 91 prisoners were executed in the United States of America between 1 January and 3 December 1999. Several more executions were scheduled to be carried out before the end of the year. The Special Rapporteur is specially concerned that in November the United States Supreme Court refused to consider whether the individual States are forbidden by international law from executing people for crimes committed as minors. The Court's ruling came in the case of Domingues v. Nevada. Michael Domingues is on death row in Nevada for capital murder committed when he was 16.

461. Sources report that since 1990, 10 people have been executed in the United States of America for crimes committed when they were under 18 years of age. The latest execution of a child offender was carried out in Oklahoma in February when Sean Sellers was put to death for crimes committed when he was 16 years old.

Urgent appeals

462. The Special Rapporteur transmitted 15 urgent appeals to the Government concerning the following persons.

463. **Joseph Stanley Faulder**. In November 1998 and in June 1999, the Special Rapporteur transmitted urgent appeals after having been informed that Mr. Faulder, a Canadian citizen, was to be executed in the State of Texas on 17 June 1999 for the murder of Inez Phillips in 1975. In her appeal the Special Rapporteur recalled earlier allegations that Mr. Faulder's trial and appeals process included several irregularities, among them the fact that he was reportedly not duly informed of his right under the Vienna Convention on Consular Relations to seek legal assistance from his consulate. Additionally, the Special Rapporteur noted that it was alleged that Mr. Faulder was made to sign a confession after four days of interrogation, during which time he was denied access to a lawyer.

464. **Gary Graham (Shaka Sankofa)**. On 1 January the Special Rapporteur transmitted an urgent appeal on behalf of Gary Graham who was to be executed in the State of Texas on 11 January 1999 for a crime he allegedly committed when he was 17 years of age.

465. **Sean Sellers**. On 21 January the Special Rapporteur transmitted an urgent appeal on behalf of Sean Sellers who was scheduled to be executed in the State of Oklahoma on 4 February 1999. He was sentenced to death on 2 October 1986 for a crime allegedly committed when he was 16 years of age. The Special Rapporteur transmitted to the Government the information received by her indicating that in connection with his trial in 1986, Mr. Sellers was diagnosed as suffering from mental disorders. Moreover, this diagnosis was reportedly confirmed by psychiatrists who examined Mr. Sellers in 1987 and 1992 respectively, and who found that he displayed symptoms of paranoid schizophrenia and Multiple Personality Disorder.

466. **Mazer Jean and Jermaine Jones**. On 26 January the Special Rapporteur wrote to the Government after having been informed that State prosecutors in Florida were seeking the death penalty for two teenagers charged with murder. Mazer Jean, 17 years of age, and

Jermaine Jones, 16 years of age, were to be tried in Naples, Collier County, Florida, accused of the murder of Michael Carlos Sierra, a guard at the Big Cypress Wilderness Institute, a privately run juvenile detention centre.

467. **Jaturun Siripongs**. On 27 January the Special Rapporteur transmitted an urgent appeal on behalf of Jaturun Siripongs, a Thai national, aged 43, who was scheduled to be executed on 9 February 1999. He was reportedly sentenced to death in 1983 for the murder of two persons during a robbery at Pantal market in Graden Grove, California, in 1981.

468. **Karl and Walter LaGrand**. On 23 February the Special Rapporteur transmitted an urgent appeal on behalf of two German brothers who were facing imminent execution in the State of Arizona. The Special Rapporteur noted that according to the information received Karl and Walter LaGrand had not been informed of their right under article 36 of the Vienna Convention on Consular Relations to communicate with and receive assistance from their consular representatives. She was concerned that the failure to inform the defendants of this right may have deprived them of important assistance in preparing their defence.

469. **Douglas Christopher Thomas**. On 17 May the Special Rapporteur transmitted an rgent appeal on behalf of Douglas Christopher Thomas, 25 years of age, who was scheduled to be executed in the State of Virginia on 16 June 1999 for a murder committed when he was 17. Douglas Christopher Thomas was convicted in 1991 of the murders in 1990 of J.B. Wiseman and Kathy Wiseman, the parents of his girlfriend Jessica Wiseman. While acknowledging the seriousness of the crime committed by Douglas Christopher Thomas, the Special Rapporteur wished to remind the Government that the execution of juvenile offenders, i.e. persons under 18 years of age at the time of commission of the crime, does not correspond to international human rights law standards.

470. **Gregory Dickens, Jr**. On 18 May the Special Rapporteur was informed that State prosecutors in Indiana were seeking the death penalty for Gregory Dickens, Jr., a juvenile charged with murder. Gregory Dickens, Jr., 17 years of age, was reportedly to be tried in St. Joseph County Superior Court, South Bend, accused of the murder of Police Corporal Paul Deguch, who was shot and killed on 24 August 1997 outside a house in South Bend.

471. **Scotty Lee Moore**. On 21 May the Special Rapporteur was informed that Scotty Lee Moore was scheduled to be executed in Oklahoma on 3 June 1999 after having been convicted in 1984 of the murder of the clerk Alex Fernandez in the course of an armed robbery at a motel in Oklahoma City on 18 November 1983. The Special Rapporteur noted that according to reports, Scotty Lee Moore had suffered from serious mental problems ever since his youth, including a long history of alcohol and drug abuse stemming from his underlying chronic depression, learning disorder and organic brain damage. Regarding these circumstances, which allegedly had not been dealt with to a sufficient extent during Scotty Lee Moore's trial, and thus shed a posteriori new light on his case, and given the fact that the execution of the sentence would irreversibly prevent the possible reconsideration of the case, the Special Rapporteur urged that the execution be stayed.

472. **Joseph Timothy Keel**. On 2 August the Special Rapporteur transmitted an urgent appeal regarding the imminent execution of Joseph Timothy Keel, who was scheduled to be executed in

the State of North Carolina on 6 August 1999. He was reportedly sentenced to death at a retrial in 1993 for the murder of his father-in-law. The Special Rapporteur was informed that Mr. Keel suffered from organic brain damage, possibly a result of a pre-natal injury. His IQ had apparently been measured at 78, which would place him on the borderline of being mentally handicapped. She had also been informed that Joseph Timothy Keel had not been able to pursue, in the State courts, the claim that this amounted to ineffective defence representation.

473. **Larry Keith Robinson**. On 16 August the Special Rapporteur transmitted an urgent appeal on behalf of Larry Keith Robinson, who was scheduled to be executed on 17 August 1999. He was reportedly sentenced to death in 1987 for the murder of five individuals in Forth Worth, Texas, on 10 August 1982. Keith Robinson always maintained that the events were the result of his chronic visual and auditory hallucinations brought about by acute schizophrenia which was reportedly diagnosed three years before the murders.

474. **Thomas Provenzano**. On 10 October the Special Rapporteur transmitted an urgent appeal on behalf of Thomas Provenzano who was scheduled to be executed in Florida on 14 September 1999. He was reportedly sentenced to death for killing a bailiff in the Orange County courthouse, Orlando, in January 1984. According to reports, Thomas Provenzano was diagnosed with paranoid personality disorder and paranoid schizophrenia before his trial; his mental illness was reported to have worsened during his 15 years on death row. According to the source, he was at the time of the sentence on medication to treat auditory hallucinations allegedly caused by his paranoid schizophrenia. The Special Rapporteur was informed that even if the State supreme court ruled that Thomas Provenzano's mental condition had to be the subject of a full evidentiary hearing, which had not occurred before the circuit court judge's ruling on 7 July, the execution was still set for 14 September.

475. **Exzavious Lee Gibson**. On 15 October the Special Rapporteur transmitted an urgent appeal after having been informed that the United States Supreme Court had rejected the appeal of Exzavious Lee Gibson, an indigent, learning disabled death row inmate who was forced to appear at an earlier appeal hearing in the State of Georgia without legal counsel, as he could not afford to engage a lawyer. He had been convicted of a murder committed when he was 17 years old. According to reports, on 12 September 1996, Exzavious Lee Gibson, an African American with an IQ of between 76 and 82, represented himself at a state post-conviction (habeas corpus) hearing on his conviction and sentence because he was too poor to afford a lawyer. The transcript of the hearing allegedly shows that Mr. Gibson offered no evidence, examined no witnesses and made no objections. The court dismissed his appeal. International standards demand that anyone facing the death penalty must have access to adequate legal representation at all stages of proceedings. His subsequent appeal to the state supreme court was reportedly rejected in early 1999. According to the source, three of the seven supreme court judges dissented, saying that Mr. Gibson's plight was one "that no just government should countenance". However, the majority ruled that he had no constitutional right to a lawyer at the 1996 hearing. On 12 October 1999, the United States Supreme Court, without comment, let that majority decision stand, and moved Exzavious Lee Gibson one step closer to execution.

476. **Johnnie Lee McKnight**. On 18 October the Special Rapporteur transmitted an urgent appeal on behalf of Johnnie Lee McKnight, accused of killing three people on 25 October 1997.

According to the information received, a psychologist had found him incompetent to stand trial. It has been reported that he was convicted of a murder committed when he was 17 years old.

Communications sent

477. The Special Rapporteur transmitted on 2 November an allegation to the Government on behalf of Ahmad Diallo (22), a citizen of Guinea who was shot dead by four white undercover New York City police officers in front of his home. He was reportedly unarmed and the police allegedly fired 41 shots at him.

Communications received

478. The Government replied to all of the Special Rapporteur's transmissions during the period under review. In its replies, the Government detailed the legal safeguards for defendants in criminal cases and specifically cases in which the death penalty applies. The replies sent were in response to cases concerning the following individuals: Sean Sellers (9 February 1999), Joseph Stanley Faulder (19 February 1999), Shaka Sankofa (24 February 1999) , Douglas Christopher Thomas (15 June 1999) Scotty Lee Moore (15 June 1999), Joseph Timothy Keel (7 September 1999), Larry Keith Robinson (7 September 1999) and Thomas Provenzano (21 September 1999).

479. Sean Sellers was executed in the State of Oklahoma on 4 February 1999.

480. The Government of the United States informed the Special Rapporteur, regarding the case of Joseph Stanley Faulder that at the time the Special Rapporteur transmitted her urgent appeal Mr. Faulder had been scheduled to be executed on 10 December 1998. The United States Supreme Court subsequently stayed the execution while it considered whether Mr. Faulder's case raised sufficient legal issues that it should agree to review it. On 25 January, the Court decided that it would not review the case. The United States Department of State had paid particular attention to the case because Mr. Faulder had not been advised , as he should have been, of his right to request the assistance of a Canadian consular official. The Secretary of State asked that the Texas board of pardons and paroles, which has the sole legal authority to recommend clemency for Mr. Faulder give careful consideration to the consular aspects of his case, which could have provided a basis for an affirmative recommendation. The board, according to the information sent by the Government, decided against recommending clemency. The Government, however, did not agree with allegations that Mr. Faulder did benefit from fair judicial proceedings consistent with international standards.

481. The Government informed the Special Rapporteur on 18 June that the Virginia Supreme Court had issued a stay of execution for Douglas Christopher Thomas, citing a ruling it had made five days previously that juveniles cannot be prosecuted unless both of their parents are notified.

Observations

482. The Special Rapporteur's concerns as they relate to the United States are limited to issues pertaining to the death penalty. The increasing use of the death penalty is still a matter of serious concern to the Special Rapporteur. Particularly worrisome are the continued executions

of mentally ill and mentally handicapped persons as well as foreigners who were denied their international right to consular assistance. The Special Rapporteur views the persistent application of the death penalty and subsequent executions of persons who committed crimes as minors as a very serious and disturbing practice that inherently conflicts with the prevailing international consensus.

United Kingdom of Great Britain and Northern Ireland

483. The Special Rapporteur was deeply saddened by the murder of solicitor Rosemary Nelson, who died from injuries suffered in a car bomb attack outside her home in Lurgan, County Armagh. The Special Rapporteur sent an urgent appeal to the Government in which she referred to the urgent appeal transmitted by the Special Rapporteur on the independence of judges and lawyers in August 1997 on behalf of Ms. Nelson. The Special Rapporteur on the independence of judges and lawyers intervened on behalf of Ms. Nelson in reaction to death threats she had received for her representation of a client accused of murdering two officers of the Royal Ulster Constabulary (RUC). She was also allegedly struck on the back of the head with a police riot shield while intervening on behalf of a boy who was allegedly being ill-treated by an RUC officer. At that time, the Special Rapporteur called upon the Government to investigate these allegations and to ensure the security of Ms. Nelson.

Uzbekistan

484. The Special Rapporteur transmitted to the Government of Uzbekistan jointly with the Special Rapporteur on the question of torture on 14 July an urgent appeal concerning Bakhadir Ruzmetov. According to reports, Mr. Ruzmetov was forcibly returned to Uzbekistan from Russia for allegedly participating in causing a series of explosions in Tashkent, Uzbekistan, in February 1999. The authorities had reportedly detained hundreds of people who were believed to have been involved in the explosions. Government officials reportedly blamed the bombings on foreign-trained Islamic groups who were operating with exiled secular and democratic opposition elements. After an allegedly unfair trial, six individuals were reportedly sentenced to death on 28 June for their involvement in the bombings. Bakhadir Ruzmetov reportedly may also face the death penalty. In view of previous reports of ill-treatment of the six mentioned individuals the Special Rapporteurs expressed their fears regarding the safety of Bakhadir Ruzmetov.

Observations

485. The Special Rapporteur regrets that at the time of finalization of this report the Government had not responded to her communication.

Venezuela

Urgent appeals

486. The Special Rapporteur transmitted an urgent appeal to the Government jointly with the Special Rapporteur on the question of torture concerning José Asdrubal Rios Rojas. He was

allegedly beaten by two officials of the Policía Metropolitana of Caracas on 17 May at the entrance to his house, in front of his wife and children. He was reportedly transferred to the police premises at Nuevo Horizonte.

Communications received

487. By letter dated 16 December 1998 the Government transmitted to the Special Rapporteur information concerning the urgent appeal sent on 16 October 1998 on behalf of Yolima Rangel. The Government reported that both the Gobernación del Estado de Miranda and the Cuerpo Técnico de Policía Judicial were investigating the alleged death threats received by Yutraima Ragel and the death of Freddy Diaz.

Observations

488. The Special Rapporteur regrets that since the last communication dated 16 December no further information has been submitted for her attention.

Yemen

Urgent appeals

489. The Special Rapporteur transmitted, jointly with the Special Rapporteur on the question of torture and the Special Rapporteur on the independence of judges and lawyers, an urgent appeal to the Government of Yemen concerning Abu al-Hassan al-Medhar, Ahmed Mohammad Ali Atif and Sa'ad Mohammad Atif who were reportedly arrested in connection with the kidnapping of 16 tourists, which led to an armed clash in which several persons were killed. The Special Rapporteurs had been informed that these three men would face execution if found guilty as charged. There were allegations that these persons had been held in lengthy incommunicado detention, some in shackles, and denied legal representation. It was further reported that statements made by the defendants have been released to the press by the authorities. The Special Rapporteurs transmitted their concern to the Government that these irregularities may compromise the fairness of the court proceedings against the defendants.

490. It was further reported that Mohsin Ghalain (age 18), Shahid Butt (age 33), Malik Nassar Harhra (age 26), Ghulam Hussein (age 25) and Samad Ahmed (age 21), all British subjects, as well as others whose names are not known, were arrested in late December 1998 on suspicion of having planned bomb attacks in Aden and having contacts with the group suspected of the above-mentioned kidnappings. There were reports that some of these persons had been subjected to torture and held in incommunicado detention. In view of these allegations the Special Rapporteurs were concerned that the defendants' safety and physical integrity could be in danger and that their right to a fair trial might be at risk.

Observations

491. The Special Rapporteur regrets that the Government has not responded to her communications.

Yugoslavia

492. Two urgent appeals and one allegation of violation of the right to life were transmitted by the Special Rapporteur to the Government of the Federal Republic of Yugoslavia during the period under review.

Urgent appeals

493. On 1 April the Special Rapporteur transmitted an urgent appeal to the Government concerning the continuing reports of grave human rights violations, including extrajudicial executions of civilians, in Kosovo. The Special Rapporteur drew the attention of the Government to specific allegations that Bajram Kelmendi, a lawyer from Pristina, and his two sons had been murdered under circumstances that indicated that the three men were summarily executed. In view of the continuing and increasing allegations of violence and human rights violations in Kosovo, the Special Rapporteur urgently called upon the Government to recognize its responsibility to protect the security and integrity of all persons on its soil, bring the police, military and other forces or individuals under strict control, and to ensure that perpetrators of serious violations of human rights were not allowed to act with impunity. The Special Rapporteur emphasized in her urgent appeal that the state of war declared by the Federal Republic of Yugoslavia did not in any way suspend its obligations under international law to protect fundamental human rights, particularly the right to life, which must be upheld in all circumstances.

494. On 27 May the Special Rapporteur transmitted an urgent appeal concerning Halil Matoshi and 60 other men, inhabitants of Ajvalija, a village near Pristina. Halil Matoshi, a journalist for Zeri magazine, and 60 other men had been arrested by the police on 20 May. The Special Rapporteur expressed her concern that the situation constituted a danger to their lives.

Communications

495. The Special Rapporteur has been informed that Slavko Curuvija, the editor of several newspapers, was murdered on 11 April 1999 outside his home in Belgrade. It was alleged that he was murdered after he had been accused by the Serbian State television of welcoming the NATO air strikes.

Communications received

496. The Special Rapporteur took note of the information transmitted by the Government concerning the terrorist activities of 23 July. Furthermore, the Special Rapporteur remains concerned at the fact that no reply has been received concerning the above-mentioned cases at the moment of the finalization of this report.

Zambia

497. The Special Rapporteur sent one communication concerning the violation of the right to life of Kosamu Ngome who was shot dead, allegedly by the police while he hid in the ceiling boards of the pharmacy of Solwezi General Hospital. According to the information received by the Special Rapporteur, he was unarmed at the time of his death.

B. OTHER

Palestinian Authority

498. The Special Rapporteur sent one urgent appeal and one allegation of human rights violation to the Palestinian Authority during the period under consideration.

Urgent appeals

499. On 11 March, the Special Rapporteur sent an urgent appeal to the Palestinian Authority on behalf of Ra'ed al 'Attar who had reportedly been sentenced to death by firing squad on 10 March 1999 for the killing of a Palestinian policeman. The Special Rapporteur expressed her concern that there was no right to appeal in this case, that the court was composed of military judges and that the defendant was represented by five court-appointed lawyers who were all members of the civilian police.

500. On 8 December 1999, the Special Rapporteur addressed an urgent appeal to the Palestinian Authority concerning Abu Sa'dah who was reportedly sentenced to death by firing squad on 26 August 1999 for the murder of Lieutenant Colonel Hani Omar Abu Zienah. It had been brought to the Special Rapporteur's attention that his death sentence was pronounced after just six hours of hearings. It has been reported that there was a lack of opportunity for appeal against the sentence.

Communications sent

501. The Special Rapporteur was informed on 11 March 1999 that Ala Al-Hams and Khamis Mahmoud Salameh were shot dead, allegedly by members of the Palestinian security services, at a demonstration in Rafah. It has been reported that the rally was organized in protest of the death sentence issued by the State security court against Subhi Attar.